5

COURT OF QUEEN'S BENCH OF ALBERTA

BOARD OF REVIEW

THE CHILD WELFARE SYSTEM

Mr. Justice J. C. Cavanagh, Chairman
Mrs. Flora J. Allison
Dr. Ernest E. McCoy

J. P. Brumlik, Esq., Q.C., Counsel

35

THE HONOURABLE MR. JUSTICE
JAMES C. CAVANAGH

THE LAW COURTS
EDMONTON, ALBERTA
T5J 0R2

COURT OF QUEEN'S BENCH OF ALBERTA

To His Honour,

The Lieutenant Governor in Council.

May it please Your Honour:

Having been appointed a Board of Review by Order-in-Council dated the 16th day of March, 1980, which was amended by Order-in-Council dated the 26th of November, 1980, under The Public Inquiries Act, to review the operation of The Child Welfare Act and The Social Care Facilities Licensing Act and to report thereon, we now submit our Report herewith to Your Honour.

October 20, 1983.

J. C. CAVANAGH, J.
CHAIRMAN.

MRS. FLORA J. ALLISON,
MEMBER.

Ernest E. McCoy
DR. ERNEST E. McCOY,
MEMBER.

BOARD OF REVIEW

THE CHILD WELFARE SYSTEM

Mr. Justice J. C. Cavanagh, Chairman
Mrs. Flora J. Allison
Dr. Ernest E. McCoy

J. P. Brumlik, Esq., Q.C., Counsel

TABLE OF CONTENTS

CHAPTER		PAGE
1	Background to Inquiry	1
2	The Child Welfare System	9
3	Malfunctions in the System	26
4	Case Management	33
5	Rights of Children	38
6	Foster Care	41
7	Responsibility for Quality of Service	60
8	Day Care	65
9	The Private Agencies	73
10	Guidelines - Distribution of Services	77
11	Interprovincial Comparison	82
12	Native Children	88
13	"K's" Case - "C's" & "D's" Case	93
14	Gun Control	99
15	The Case of "A"	103
16	"B's" Case	116
17	Corporal Punishment	121
18	Reporting Child Abuse	127
19	Some Applications of the Act	137
20	Apprehension Procedure	148
21	Wardship Orders	158

CHAPTER		PAGE
22	Hearing Procedures and Appeals	167
23	The Amicus Curiae	179
24	Unwed Child Mothers	186
25	Confidentiality	189
26	Compulsory Care	193
27	Care of Wards and Care Appeals	196
28	The Child Welfare Commission	203
29	The Director of Child Welfare	206
30	The Social Care Facilities Licensing Act	211
31	Department Morale	216
32	Regionalization	226
33	Child Welfare in Regionalization	235
34	Concluding Remarks	244
	Appendix A	1
	Appendix B - Acknowledgements	9
	Appendix C - Limited Bibliography	58

CHAPTER 1

BACKGROUND TO INQUIRY

In March of 1980, Mr. Justice J. C. Cavanagh, Dr. Lloyd C. Grisdale and Mrs. Flora Allison were appointed commissioners to act as a Board of Review to conduct a wide ranging inquiry into the child welfare system in Alberta. This was by Order-in-Council pursuant to the provisions of the Alberta Public Inquiries Act. In late 1980 the appointment of Dr. Grisdale was cancelled and Dr. E. E. McCoy was appointed in his place. It is that Board of Review that now submits this report.

The terms of reference in the Order-in-Council are so broad that it was open to the Board to inquire into almost any aspect of the child welfare system that came under the authority of the legislature of Alberta. In addition, during the course of the inquiry, specific questions were referred to the Board by the Minister of Social Services and other specific questions arose from the evidence. The Order-in-Council is reproduced in the Appendix hereto, as are the specific questions and matters that were referred to us during the deliberations.

Some of the events that preceded our appointment should be mentioned. In 1979 the Alberta Ombudsman reported on his investigation of Westfield Treatment Centre in Edmonton. He was particularly critical of the "quiet room" solitary confinement treatment used as a disciplinary measure. This resulted in a spate of adverse publicity in the Edmonton Journal.

The Edmonton Journal had declared itself the unofficial opposition to the government because the actual opposition in the legislature was so small. Furthermore, the Journal had chosen the Minister of Alberta Social Services and Community Health (ASSCH) as its prime target. The Ombudsman, in 1979, after the Edmonton Journal had urged that he do so, investigated the Westfield Treatment Centre for children with severe emotional and behavioural problems. The Ombudsman's report was released in November and contained certain strong recommendations for changes. The Minister was not prepared to agree that all the Ombudsman's recommendations should be accepted. He said some had been acted upon, but not all. The Journal quoted him as follows:

> "We cannot look at Westfield in isolation. Some of the recommendations cover a broad area, affecting facilities across the province, and they must be weighed carefully."

He went on to say that the standard of juvenile centres in Alberta compared well with other provinces. He said he would authorize immediate changes only if he thought Westfield's needs were critical. The Journal quoted the Ombudsman as saying that he would take the matter directly to the provincial cabinet if he did not get a swift departmental commitment to implement his recommendations.

On November 29th, 1979 an Edmonton Journal columnist started his column thus:

> "When danger looms and the smart cattle stampede to safety, one steer usually stands around wondering what the fuss is about.
>
> So it is with Bob Bogle, Alberta's social services minister, who refuses to be 'stampeded' by the ombudsman's report on Westfield centre for delinquent children.
>
> Bogle doesn't realize that he had better get moving, and quickly, because there is political danger in defying the ombudsman."

One certainly gets the impression that the Ombudsman and the Journal were trying to dictate policy to the Minister.

On March 6th, 1980 a story in the Journal revealed government wards at the Northern Regional Treatment Residence (N.R.T.R.) near Peace River had been subjected to unusual behaviour modification treatments. The most notorious was the feeding of dog food laced with tabasco sauce to a boy to get him to stop stealing food from the dog's dish.

N.R.T.R. was not a government facility and when officials in the Child Welfare Branch learned of these treatments in November, 1979 they were immediately stopped. Dr. A. H. Thompson, Research Consultant of the Grande Prairie Alberta Mental Health office, was asked to investigate. His report was delivered to the Minister's office the same day as the Journal story was published.

After that preliminary report the Psychologists Association of Alberta, with the concurrence of the Minister, conducted a further investigation. The investigating committee was chaired by Michael C. King, Ph. D. with M. Frank Epling, Ph. D. and Rheva Frank, M. Sc. as members.

They found two of the treatment programs were unjustified and represented errors in clinical judgment on the part of the psychologist involved. The report went on to criticize the giving of the treatments without adequate consultation with competent professionals and without consultation with child welfare officials before the treatments began. There was no consent by or on behalf of the children.

In the media this case of a government ward being placed in a facility where he was fed dog food got widespread publicity and the Journal was after the Minister again.

With the N.R.T.R. case a suspicion arose that someone in the department was leaking information to the press. Intensive efforts to locate the leaks adversely affected morale. Employees were suspicious of each other. This was the atmosphere that prevailed when we were appointed.

Our first task was to ensure that we would not be hindered in our inquiry by pleas of confidentiality or possible refusals of department officials to give out information. We requested two amendments to the Alberta Public Inquiries Act to achieve this end. One was passed at the spring session in 1980 and the other at the fall session in 1980.

When we were beginning our work there was a major obstacle to be overcome. Some employees of ASSCH were fearful they would lose their jobs if they spoke frankly to us about matters in the department. We heard allegations that employees who spoke out about matters that were possibly wrong suddenly found themselves transferred to other less interesting work. To correct this the Chief Deputy Minister sent out a circular to all employees explaining that employees should not publicly criticize the department, but at the same time they were free to speak honestly and critically to us. We, at that time, let it be known that we were prepared to listen to submissions privately or publicly as the presenter wished.

Those measures did not entirely remove the fears. We did have employees come to us privately to give us information. Some arranged to appear before us on their days off and other times when absence from their work could be explained without revealing that they were talking to us. In fact, one substantial group of frontline workers made a joint submission to us using a variety of excuses for their absences.

It appears these fears were not entirely groundless. Frontline workers and their immediate superiors seemed to be affected by them more than senior management. However, the majority of those who appeared before us volunteered to do so. We cannot tell if some senior people did not do so out of fear of reprisal. In any event, one group prepared a brief to be presented to us and the Minister learned of it. He called in the spokesman early on the day before we were to hear it and spent some time going over it in detail. The brief was a thoughtful, constructive proposal for more efficient case management in district offices. We don't know what the Minister would have done had it been critical of department policies. This action tends to confirm that employees did not feel as free to speak their minds as we had hoped.

In any event, before we were fully aware of the foregoing situation, we decided that since there appeared to be widespread interest in our work we would advertise for submissions. We received letters from many groups and individuals saying they wished to make submissions to us. In every case we acknowledged and asked if they could submit at least a preliminary brief in writing and indicate whether they would like to follow up with an oral submission and, if so, whether they wished that to be in public or at a private hearing. We also asked when they would be able to submit their written brief.

In many cases the indications were that it would be several months before they would be able to submit the written brief. We began our advertising in the summer of 1980 and the last written brief was received in March of 1983. We scheduled hearings for those who indicated they wished to make oral representations. All this and other matters stretched out the work of the Board over a much longer period than anticipated.

We invited people both in and outside the department to appear. Only two persons declined. They were not provincial employees and we did not consider their opinions or evidence of sufficient importance to subpoena them.

As the briefs came in they raised questions that required further investigation. In most cases this meant requests for information from the Child Welfare Branch and, in some cases, requests to interview officials and employees of that branch. In addition, provincial judges were interviewed, as well as the Ombudsman. Site visits were made to facilities that have to do with child welfare. Visits were made to Indian reserves in the province and the Board travelled outside the province to examine child welfare systems in other jurisdictions. In addition, reports, articles, books and treatises that were brought to our attention dealing with child welfare were examined. A comparative study of child welfare services in other provinces was commissioned and undertaken by the Child Welfare League of America.

Since our appointment changes have been made in the child welfare system in Alberta. Some were minor and some were quite significant. We do not complain about these changes being made. It was the duty of the responsible officials to implement changes that they perceived as necessary. It complicated the work of the Board in that it is difficult to reach conclusions about the operation of a system that is being changed all the time. In many instances changes that were implemented were in reaction to criticism, particularly criticisms contained in the Ombudsman's reports. Unfortunately some of these reactions were to eliminate the criticism and did not necessarily fit into any overall plan for child welfare in Alberta.

CHAPTER 2

THE CHILD WELFARE SYSTEM

The first delegation we heard was from the department. It was composed of the Chief Deputy Minister, Stanley H. Mansbridge, the Deputy Minister of Social Services, David Stolee and the Director of Child Welfare, Dean Melsness. They described the child welfare system as it then existed. They indicated they would prepare a brief outlining the system in detail and a further submission concerning problems in the system and proposed solutions. Their attitude was entirely co-operative and supportive. In due course the first brief promised by then came to us about the end of June, 1980.

The second submission was prepared in January, 1981. It was not submitted to us. We learned of its existence from sources in the department. We asked for it and finally the new Minister released it to us in January, 1983. The former Minister took responsibility for withholding the same, saying that he felt it would have been presumptuous to try to indicate to us where there might be problem areas. We appreciate the concern for our feelings, but we think that was a misguided attitude. In fact, it was perhaps discourteous to think that if we were given indications of problem areas, we would be gullible enough to be misled into thinking they were the only problems. That second submission would have saved us a lot of time, had it been given us when it was ready.

We were advised that the duties of the Director of Child Welfare as outlined in s. 94 of The Child Welfare Act, R.S.A. 1980, c. 8 (the Act) constituted the basic philosophy on which the Child Welfare Branch operates. Sub-section 2(a) of s. 94 provides that the Director:

> "shall arrange for the investigation of allegations or evidence that children may be in need of protection and, where necessary, see that protection is provided, and provide guidance, counselling and other services to families for the protection of children."

They told us that in carrying out that mandate they kept in mind three principles.

(a) Normally the best person to look after a child is the natural parent.

(b) In cases of doubt as to which course to follow concerning a child, it is better to err on the side of the best interests of the child.

(c) It must be recognized that there are some children who cannot be helped by the Child Welfare Branch.

It is stated in their brief that a prime responsibility of the department when called upon to intervene in family life is to help the family assume normal and healthy functioning. As a consequence, assistance when provided will tend to minimize intrusion, disruption and restriction. This means that prevention and strengthening of community services should have high priority. If the child cannot return to his natural family the department must find another permanent placement for him; for example, adoption, permanent foster care, or independent living. The child must be recognized as an individual and as such he has the right to see the decisions made with regard to him are in accordance with the law. The department considers that it is the responsibility of the community to initiate action to prevent serious problems and where community resources exist department officials try to enlist the use of them before there is any departmental intervention. Finally, the department does not consider itself an arbiter of morality. It is not the department's intention to make value judgments about a family's or individual's life. Having in mind those statements, let us look at the child welfare services available in the summer of 1980.

Protection services are provided by the department. Where less stringent measures have failed there is the power to remove a child from a home in which his safety or well being is threatened. If so removed, the Director may place the child in alternate care; for example, a foster home, a group home, a treatment centre and so forth at the department's discretion.

The department maintains a Child Protection Registry which records reports of child neglect and abuse and causes a follow-up to determine whether intervention is needed. The Act requires that all reports of abuse must be examined and investigated.

Young offenders against whom a charge of delinquency is laid may be placed on probation or may be made temporary wards of the Director. In either case the department provides probationary service or residential care.

Family Support Service provides guidance counselling and community support programs to families to prevent a family breakdown. Such measures, if taken in time, may avoid the necessity of apprehending a child.

Custody by Agreement is an arrangement between the parents and the Director whereby the Director may take over care of the child as if he were a ward. This may occur where the parents are unable to provide proper care for the child in the parental home although there is no evidence of neglect that would require protection services. In such a case parents retain the right of guardianship of the child, and, of course, when the agreement comes to an end, the custody vested in the Director thereby also comes to an end.

Wardship is a further device used to protect a child. That comes about by order of the court under either the Child Welfare Act or the Juvenile Delinquents Act. Custody and guardianship are legally transferred to the Director for a period not exceeding one year.

At p. 5 of the department's first brief it is stated:

> "'Permanent wardship' occurs when parents wish to relinquish direct responsibility for the child or when there is no realistic prospect of uniting the child with his natural family. The Director of Child Welfare is madé sole legal guardian of the child by an order of the Court of Queen's Bench, until the child is adopted or becomes an adult."

Children of unmarried mothers frequently become permanent wards by a contractual process known as Surrender and Indenture in which the mother surrenders guardianship and consents to adoption.

A judge may order compulsory care of a ward who is a danger to himself or to others or is otherwise out of control and the judge is satisfied that it is in the best interests of the child that the child be confined to an institution. The maximum period he may order is 90 days. The Director also may issue a compulsory care certificate with respect to a ward who is suffering from an emotional or behavioural disturbance and is in a condition presenting a danger to himself or others or is otherwise out of control and it is the Director's opinion that it is in the best interests of the child that he be confined in an institution. The maximum period that the certificate is good for is 30 days. There are provisions for renewing these orders and certificates.

The department provides services to unmarried mothers including planning, personal counselling, residential resources and assistance in obtaining financial aid including seeking support from the child's father.

The adoption service provides for the permanent placement of a child with another family. This can be of a ward or a non-ward, but in either case the department is involved in a preliminary investigation and reports to the court.

There is a service for handicapped children which assists parents of such children to provide care in their own homes or in approved facilities.

The Foster Home Program consists of approved private homes which care for children who are in the custody of the Director after wardship proceedings or through Custody by Agreement. There are nearly 3,000 homes with more than 5,000 approved beds. Some of these homes are specifically designated to provide special care and guidance for children with special problems.

The Group Home Program provides care for six or more children and has a specific program focus. There are both government operated and privately contracted homes.

Residential treatment facilities offer programs which treat children who require care beyond that which can be provided in community based foster homes and group homes. Generally, these children are emotionally disturbed or exhibit behaviour problems which require specialized skilled intervention and treatment.

Out-of-province wards are wards who were well established with foster parents who moved out of the province. Arrangements are made with the Director of Child Welfare of the residential province to supervise the child's progress but the child continues as a ward of the Alberta Director of Child Welfare.

There is a Social Allowance Program for families in financial need. Such allowances include an allowance for each child in the family.

There is a Guardian Social Allowance for relatives or guardians caring for children whose own parents are not able to care for them but do not need child protection. This allowance contributes to the financial support of the child.

The Local Health Services funded entirely by the provincial government provides programs for communicable diseases control, public health inspection and maternal and child care and programs such as family planning, speech therapy and nutritional counselling.

Mental Health Services are provided by regional clinics and sub-offices. They offer free assessment, treatment and referral for families experiencing emotional or mental problems.

The Aids to Daily Living Program offers free of charge a variety of aids required by handicapped children, as well as adults.

The Preventive Social Services Program includes a wide range of services; for example, counselling, home support, life skills, boys and girls clubs, youth workers, youth centres. The purpose of these programs is to prevent family and personal breakdown and the necessity of total reliance on government assistance.

The Alberta Day Care Program subsidizes the cost of day care up to a maximum amount for families sending their children to non-profit or private day care centres or family day homes or after school care.

The Parent Resource Unit Program emphasizes the role of parents and supports parents by the provision of programs and services to families of young children. These programs offer consultant services, leadership training, resource information and project funding to parent groups in Alberta.

We now reproduce the department's own assessment of its organization for the delivery of children's programs, bearing in mind that this is how it was described in 1980 and that there have since been significant changes in the organization and delivery of services.

> "III. ORGANIZATION FOR THE DELIVERY OF CHILDREN'S PROGRAMS
>
> A. Social Services Delivery
>
> The programs of the Child Welfare branch are delivered through the Social Services Delivery branch, a branch of the Social Services Division of the department. The Delivery branch is also responsible for the delivery of the department's Income Security programs and its Family Maintenance and Court Services programs. The basis for this type of organization is a modified matrix: the program branch (such as the Child Welfare branch) determines program direction and provides functional supervision to caseworkers on a case-by-case basis; the Delivery branch ensures that an acceptable service delivery capacity - offices, social workers, clerical staff, administrators - is in place. In important service areas where both branches have an interest - staff training, recruiting, computer system modification, budget preparation - the two branches use a variety of consultation techniques to achieve desired results.

Social workers in the forty-one district offices located throughout the province provide direct program services to the clientele...In larger offices the social workers specialize in a particular program such as child welfare or in a particular service such as protection, adoptions or foster home finding. Where there are more than 13 social workers in an office, a 'unit' structure is established and unit supervisors are responsible for the day-to-day supervision of 6 to 9 social workers and supporting clerical personnel. In smaller rural areas, social workers are responsible for the delivery of the three major types of social services programs: that is, their caseloads tend to be 'diversified', although there has recently been a trend towards specialization even in small rural offices. Deployment of staff is the prerogative of the district administrator (the head of each district office) in consultation with program and Delivery branches regarding priorities, efficiency, etc. District administrators are also responsible for certain child welfare group homes within their district.

Arrangements are made in all areas of the province for 24-hour emergency response, either by workers who are on call in most offices, or 'crisis units' in Edmonton and Calgary which are staffed 24 hours a day.

District administrators and directors of Youth Assessment Centres report to one of six regional managers, for Edmonton, Calgary and the Northwest, Northeast, Central and South regions. Two of these regions have been recently created and recruitment for regional managers is underway. These regional managers conduct regular visits to offices in their jurisdictions and monitor and evaluate performance of the administrators and the directors of the Youth Assessment Centres.

A Quality Review unit has been operational since 1979, to review the operations of district offices and ensure both that intended services are being provided to clients in an acceptable manner and that current policies are appropriate. Extension of the quality review function to government operated child welfare institutions began in 1980.

B. Staffing of Child Welfare Services

It is important to keep in mind that Alberta's system of social services is an integrated one, in which workers may have a mixed caseload of income security, family maintenance and child welfare clients. The system has its advantages in ensuring continuity of services, but sometimes makes it difficult to say precisely how many workers with what qualifications are assigned to any particular type of work.

As of April 28, 1980, approximately 323 social workers, 198 clerical staff and 63 unit supervisors and administrators worked in the child welfare field in the 41 district offices. There were 718 social workers doing social services work. The following is a breakdown of the educational qualifications of those 718 workers:

Social Service Technicians - graduates of a two year diploma program - 33

Social Worker I - those with a B.A. or its equivalent, and social service technicians after 1 year of experience - 388

Social Worker II - those registered in a social work program or in the Registered Social Work (R.S.W.) program, and with at least 3 years of experience - 116.

Social Worker III - those with a Bachelor of Social Work (B.S.W.) or its equivalent, the R.S.W. - 151.

Social Worker IV - those with a Master of Social Work (M.S.W.) - 30.

It can be assumed that 85% to 90% of workers with completed degrees are in the child welfare area; that is, less than half of workers in child welfare have completed degrees. No information is available on the educational qualifications of unit supervisors or district administrators.

The majority of child care workers in institutional settings are in the Child Care Counsellor personnel classification series. In June, 1980, the following numbers of child care counsellors were employed in the major government-owned institutions (Westfield, Youth Development Centre and the six Youth Assessment Centres):

Child Care Counsellor I - usual minimum of 2 year community college diploma - 198

Child Care Counsellor II - 2 years of child care experience, including completion of a 2 year in-service training program or equivalent; normal minimal entry requirement is 2 year community college diploma - 11

Child Care Counsellor III - same educational requirements as Child Care Counsellor II, including a considerable amount of acceptable child care experience - 58

Child Care Counsellor IV - considerable child care experience, including completion of a 2 year in-service training program or equivalent; normal minimal entry requirement is B.A. - 26

In addition, nine social workers are employed at the Youth Development Centre. No information is available on the qualifications of staff in the numerous contracted child care institutions.

C. Child Welfare Branch

The Child Welfare branch determines program guidelines and disseminates them to field workers, through the Deputy Minister of Social Services, using the vehicle of the Child Welfare Procedures Manual. The manual contains procedures that are to be used in specific programs such as protection, wardship, young offenders, foster homes, handicapped children's services and adoptions, and defines the type and level of services that can be provided to children receiving services from the Director. Staff responsibilities in the branch are determined along program lines, although there are also positions for functions related to planning, standards development and monitoring. In the residential services area, regional managers for the north and south are responsible for major government-owned residences in their area and for contact with private homes which provide services on a contract basis.

There have recently been attempts to further decentralize branch activities: regional managers for protection services for northern and southern Alberta are responsible for programs for wards and children under Custody by Agreement.

D. Department of Social Services and Community Health

Social Services Delivery and Child Welfare are both branches of the Social Services division of the department. The deputy minister of the division reports to the Chief Deputy Minister of the department. Also reporting to the Chief Deputy Minister are the Deputy Minister of Health Services, the Assistant Deputy Ministers of Mental Health, Rehabilitation Services, Finance, Research and Planning as well as Directors of Personnel, Administration, Legal Services, Communications, and Management Audit. This is a large and complex organization which makes co-ordination of social services for children easier and more effective than it would be if these services were divided. It also has the advantage of ensuring a measure of continuity and efficiency because services to adults and

> children are provided by staff who have expertise in a particular type of service or program."

We were also given statistics about the children receiving the services. We were advised that approximately 30,000, or 5% of Alberta's 654,000 children, were being served each year by the Child Welfare Branch. This ranged from a single contact with a child being adopted by a step-father to legal guardianship and full responsibilities of parenthood with a permanent ward. On any given day in that period, 14,000 children were provided with some service by the Branch. A substantial percentage of these, a little over 40%, were living with their parents, with relatives or on their own, but the rest were in the direct physical care of the department in foster homes, group homes, ranch settings, wilderness camps and residential treatment facilities. In the department brief we were advised that on March 31st, 1979, 12,238 children had a legal relationship to the Director of Child Welfare. We were supplied with tables showing the breakdown of that figure by program type and again by residential placement. We reproduce both those tables.

Children Having a Legal Relationship to the Director of Child Welfare By Program Type as at March 31, 1979

Program Type	
Permanent Wards	1,721
Temporary Wards - Child Welfare Act	3,296
- Juvenile Delinquents Act	490
Wards in Adoptive Homes	748
Children in Non-Ward Care (Custody by Agreement)	651
Children Under Handicapped Children's Services Agreements	2,935
Out-of-Province Wards	211
Children Adjudged Delinquent and on Probation	2,186
Total	12,238

Note: This table does not include children served by "open protection" (the family services program), who are not in a legal relationship to the Director.

Children Having a Legal Relationship to the Director of Child Welfare By Residential Placement as at March 31, 1979

Residential Placement	
Foster Homes	4,022
Treatment Institutions	391
Correctional Institutions	56
Receiving Homes	358
Other Institutions	660
Wards in Adoptive Homes	728
Runaways	19
Group Homes	263
Independent	188
With Relatives	322
In Parents' Homes Under Supervision	4,672
Unspecified Placements	559
Total	12,238

Note: It is important to realize that children who are in a legal relationship to the Director are not necessarily in his direct physical care.

That completes the description of the Alberta child welfare system and the children being served by it according to the department's brief in 1980. If it worked as it was meant to, there would be little to criticize. However, there have been numerous criticisms which we will discuss in the next chapter.

CHAPTER 3

MALFUNCTIONS IN THE SYSTEM

We received many representations that the system was not functioning as it was meant to. These came from persons outside the department, as well as from persons within the department. Indeed, the department's second submission to us acknowledges that there are areas where the system is failing to deliver care to children as intended. The instances cited to us were numerous enough to indicate serious failures in the child welfare system.

We learned that some children were apprehended and put in temporary placements where they remained for a long time before anything was done to plan their futures, either with a view to restoring them to their families or making plans for them in care. We were told that children who became temporary wards were often placed by a social worker and then forgotten.

We were told that there are not enough treatment beds and special residences for children with problems. Also it was represented to us that frequently in special residences and treatment residences there are no standards to govern the treatment given. In addition, many social workers in charge of the children do not know their responsibilities as representatives of the Director in his role as a guardian. In addition, it was said that many social workers placed in charge of children were not adequately trained and had no standards of procedure to guide them.

With regard to foster homes, it was often said that there were not enough of them, that foster parents were not screened before being accepted as foster parents and, furthermore, foster parents were not receiving training before taking children in and often did not receive any supervision after they had a foster child.

We have attempted to classify criticisms in the preceding paragraphs. These are by no means all the criticisms that have been levelled at the child welfare system in Alberta, but other criticisms will be identified and dealt with under particular subject headings. We believe the enumerated criticisms above are often justified and do indicate that the child welfare system is not accomplishing what it was designed to do, namely care for children. We must then look for the reasons for these failures to see if they can be corrected.

One of the most frequent suggestions we heard was that the delivery system was failing because the individual social workers were overworked. There were not enough of them, resulting in excessive caseloads, resulting in burnout, resulting in high staff turnover and contributing to poor morale in the Child Welfare Branch. This situation had developed because the supply of service did not expand to keep pace with the demand for service. It was partly a case of budgetary restraint. The fact that the supply of service was falling behind was no secret. This was clear from case load statistics. Middle management persons told us there had been repeated requests for funds to recruit more social workers. The Minister denied this. The fact remains that the shortage of social workers obviously existed and it was not until shortly after the appointment of the Board of Review that the Cabinet, on July 22nd, 1980, acknowledged that there was a shortage of staff and allocated funds to hire an additional 110 social service workers. It was the rising tide of criticism that had resulted in the appointment of this Board of Review and the above allocation of funds. Public knowledge of a shortcoming had an immediate salutary effect.

At the time the decision was made to hire the additional workers, the average caseload per child care worker was 51.6. In the department it was recognized that this should be reduced to 35. A target date to achieve that figure was chosen - April, 1982. It was not achieved then.

In April, 1982 the total number of cases was 21,561, being an average of 56.0 cases for 385.06 child welfare workers. By April, 1983 total cases had risen to 22,616. The number of workers had increased to 414.92 and the average caseload had gone down to 54.5, still a long way from the target of 35. The average is calculated on the total number of workers but some do not carry a caseload - e.g. intake workers - so those having caseloads would in fact have a higher number than indicated.

These figures show that while the staff was being increased, the total number of cases was also increasing. We think it appropriate to mention here another criticism we received. It is that many children who are being apprehended and brought into care should not be. It is suggested that alternative remedial measures with the families would obviate the need to apprehend and would be cheaper in the long run and far better for the children themselves. Such measures require staff and the department is behind in staff requirements for the caseload it now has.

It is clear that there was lack of supervision of workers coming into the system. Workers had little or no opportunity for consultation with superiors or more experienced personnel. There was no on-the-job training. These problems really are rooted in the first criticism - not enough personnel. There is, however, a further comment to be made under the heading of lack of supervision. It appears that there has been an inherent problem in the system. It is claimed that the very best frontline workers achieve promotion to supervisory rank and cease to be social workers and become supervisors. They may not be very good supervisors. In any event, the way the system has worked in the past is that as supervisors they became so busy with paperwork and attending meetings, etc. that they were not available for consultation or help to those they were supposed to be supervising. The result was loss of a good frontline worker and no supervision for the new replacement if there was one. Sometimes a departed worker was not replaced for a month or so, with the result that no one looked after those cases unless an emergency arose. We recommend that there be other means of rewarding and advancing capable frontline workers than promoting them to administrative positions.

It cannot be stressed too much that there needs to be highly skilled supervisors. They are essential to a good system. They need to be capable of giving good counsel and of training newcomers.

It was claimed that there were insufficient professionally qualified staff in the Child Welfare Branch. A study has revealed that the proportion of staff with professional qualifications was only 34%. That is among the lowest in Canada. The reason for that is that people with good qualifications could find better working conditions elsewhere. It is not just a matter of pay, it is a matter of atmosphere and morale. All too often a social worker is alone with no sense of belonging to a team, no one to consult and too much work to do.

We questioned various workers about this situation and one fully qualified worker who had been with a private agency for many years said she couldn't stand the "hassle" in the government office. In the private agency she felt she had more control of her working life. She also felt a sense of accomplishment in her work. These factors influenced her to stay in the private agency rather than a higher paying government job. This does not appear to be an isolated example. There is significantly lower staff turnover in private agencies. We know that there may be problems endemic to some areas of government service, but something may be learned from the private agencies.

We believe that within the Child Welfare Branch these problems are being recognized. If sufficient staff are hired as promised, there still remains the problem of how the work is organized. We think a positive step in that regard is the trend towards regionalization. We say we think so because it is difficult to find out exactly what is going to happen with regionalization. All too often stated aims do not become the fact. In any event, insofar as the above enumerated problems have roots in the nature of the organization, we will be discussing that later in this report.

A further problem has been the lack of stated standards. There has been a Child Welfare Procedures Manual but many of the workers whom we interviewed had never seen it. Furthermore, it was out of date and deficient in statements of standards for various procedures. In the department's draft brief prepared in January, 1981 it is stated that the Child Welfare Procedures Manual is being updated and that every worker will have one. Furthermore, research is going on as to standards and it is hoped to incorporate therein as they are formulated statements of standards for various procedures. We believe the capability for doing this and the desire to do it was always in the Branch. The problem was to get authority and funds to do it and with the shortage of staff the crises had to be met first.

The N.R.T.R. situation is an example of lack of standards. The Psychologists Association had formulated no guidelines for behaviour modification treatments. The social workers completely overlooked their duties as guardians of the children being treated. Besides, they had no set of standards to guide them even if they had been asked for their consent to the proposed treatments.

CHAPTER 4

CASE MANAGEMENT

Two key areas in child welfare are apprehension and case management. Although the majority of cases are handled expeditiously and well, some are not. Workers presented the case of one family which exemplified both problems of management and high rates of apprehension.

This family over a period of five years or so received the services and attention of a dozen or more social workers. Direct cash disbursements with respect to this family exceeded $100,000.00. The members of the family did not change their ways. A group of the social workers who had been involved with this family saw us and discussed the whole case. They conceded that no positive results had been achieved for all their efforts. They were then asked, "If there had been no intervention at all, would the family have been any worse off?" They conceded that probably the final results would have been no different. We mention this case as illustrative of the need for case management. We do not say that one ought not to try to correct the situation, but one should learn that some situations are beyond help. It is no doubt this sort of event causes the Cabinet to hold back on allocating funds.

Perhaps one reason so much effort and so much money was spent on the family referred to in the previous paragraph was the fear of being criticized for non-intervention. We suggest that this fear also operates to result in too many apprehensions of children. We agree that it is better to be safe than sorry, but we suspect that too often this type of reasoning is employed rather than proceeding to solve the immediate problem. Solution of the immediate problem can then be postponed to another day. That might be all right if upon solving the problem everybody could be put back to the position before the problem arose. Unfortunately that is usually not possible. We are dealing with human beings and events that affect them cannot be erased. All too often the apprehension of a child puts him or her on an expressway with no exits until the destination of permanent wardship is reached.

A connected criticism is that the remedy of apprehension often causes more harm than the situation from which the child was apprehended. This is particularly so if the child is apprehended and placed in a succession of foster homes while the authorities are trying to think of a permanent plan for the child. The delay and uncertainty can cause irreparable damage. This may occur when a child is apprehended to be protected and is put in a detention centre (jail) with delinquent children because there is no other place. This happens despite the rules against doing so. The child can, within 24 hours, have been snatched from the family and put in jail because of the action or default of an adult. In that same period there is an enforced association with young criminals. The child may quickly learn many evil things that were unknown before the apprehension. These are the results of a lack of receiving homes and foster homes. The social worker is placed in a dilemma with limited resources and time constraints. A similar situation is one in which the child is placed in a motel or hotel room with a sitter and left in that situation for some days. Not only is it damaging to the child but it is excessively expensive. In Edmonton and Calgary substantial sums have been spent in this manner. In fact, sums spent in this way could have paid increased rates for additional receiving homes and support services to prevent apprehension. After repeated evidence was given to us of the widespread use of these expensive commercial child holding services in hotel and motel rooms, we were given to understand the department was moving toward the elimination of the same.

There have been criticisms of the role of the court in relation to child welfare. The foremost criticism is that there is too much delay in disposing of a case. This complaint is an extension of the complaints concerning apprehensions. Usually the first hearing concerning an apprehended child is adjourned at least once, with the result that the apprehended child remains in a state of uncertainty for weeks or even months. In the meantime, the child's separation from his family is becoming more permanent through the passage of time. We believe that this delay in dealing with apprehensions results in permanent ruptures of the family which could have been avoided if the matter had been dealt with more quickly.

Another criticism of the courts in child welfare matters is that they are inconsistent. One judge can be counted on to have a certain attitude. Another can be counted on to have the opposite. Some social workers who are familiar with the situation manoeuver the cases to take advantage of the judge's attitude. This, of course, is not a new attitude in the law. Wherever they can, lawyers in all kinds of cases try to do the same. However, some consistency can be obtained if the matter for decision is more clearly defined. It seems to us that what is in the best interest of the child is too vague a concept. One judge can say leaving him at home is best while another will say that any place but his home is better for him and both judges can say so with equal sincerity and in the belief that they are speaking in the best interests of the child. We will be discussing the role of the courts in child welfare matters further on in this report.

Native children pose a special problem for the Child Welfare Branch. The native population is about 7.5% of the general population, but native children in care are about 30% of all the children in care. Criticisms have been made of the Branch for putting native children in non-native foster homes. Also, a further criticism is that they are put in foster homes or institutions far from their own homes, thus severing all connection with their families. These and other questions about native children we propose to discuss later.

We have outlined the child welfare system in Alberta as seen by child welfare officials in 1980. We have outlined some of the major criticisms that we have heard. It seems to us that at this juncture we should discuss the underlying philosophy of child welfare in Alberta.

CHAPTER 5

RIGHTS OF CHILDREN

Originally in Alberta welfare was the responsibility of the local governments. As a need became evident it was dealt with by the local government on an ad hoc basis. Thus, there was little uniformity in the manner of dealing with the problem. As needs increased and standards of service improved welfare got beyond the resources of local governments. Grants were sought from the provincial government. However, these grants were not always used wisely so that the provincial government gradually began to regulate and eventually took over welfare programs.

In the period of local administration and in the early stages of provincial administration, problems were dealt with singly. There was no policy brought out in advance. It was a case of reacting and solving problems as they arose. Gradually the reactions to certain situations took on a pattern so that the idea of a duty to react in a certain way to a certain situation was accepted. Thus, the concepts in section 94 of the Act came to be accepted as duties and responsibilities of the child welfare program. From that arose the principles that the department says it adheres to which were discussed earlier herein.

In looking at the problem this way there is a responsibility to intervene but as against that, there is something called the rights of the parents. Frequently the rights of the parents have been recognized as a barrier to remedial action with regard to children. This arises from the old concept that children were chattels that belonged to the parents. We believe such thinking to some extent still affects decisions regarding the welfare of a child. Sometimes the courts use the phrase "best interests of the child" as the basis of a decision when in fact they are favouring the "rights" of the parent to the detriment of the rights of the child; for example, repeated adjournments because the parents are not ready to appear. This results in the "drift syndrome" where a child is kept in a state of uncertainty for months and years and moved from foster home to foster home with no long-term plan for the child.

The rights of everyone include the rights of children, who are people too. Children's rights then can be determined from principles enunciated in decided cases, from provincial and Canadian statutes, the Criminal Code and the Canadian Charter of Rights and Freedoms. There is no need to set them out in a code. Codes create problems in enforcement either by purporting to give rights where none exist or in depriving people of rights because they are not enumerated. We believe that the following children's rights are now recognized and legislation should be drafted and be interpreted on the basis that these rights exist.

To that end then, we suggest that in Alberta there exist basic rights of children which can be recognized as the philosophical base for future legislation and action. We suggest these rights are the right to life, liberty, personal security, not to be arbitrarily detained or imprisoned, not to be subjected to cruel or unusual treatment or punishment, to equality before the law and to the equal protection and benefit of the law, to be provided with the necessaries of life, including proper health care, to be given an education, to be protected from exploitation and to be protected from abuse, whether physical, sexual or mental. The parents who brought the child into the world must, to the best of their means and ability, secure these rights for their child. The manner in which the child can exercise these fundamental rights will sometimes be different from the way in which adults can exercise them.

We further suggest that the prime responsibility for obtaining recognition of a child's rights rests with his parents. If the parents fail in this duty, then, in this province, the duty devolves upon the child welfare authorities to obtain recognition of his rights. In cases of parental abuse for example, this duty may have to be exercised in spite of active opposition by the parents. It is with these thoughts in mind that we turn to a discussion of the specific questions referred to us.

CHAPTER 6

FOSTER CARE

Early in the history of Alberta the Child Welfare Branch congratulated itself that the only cost it had in connection with wards was the cost of a social worker making an annual visit to each foster home in Alberta. At that time this was done by one man. The foster parents then fed and clothed the child and obtained work from the child in return. The situation has moderated somewhat over the years, but there is still an attitude that foster parents are charitable, good-hearted people who are willing to do the work without compensation and all they need is reimbursement for their out-of-pocket expenses.

Now we are seeing women who regard foster parenting as a career, not a charity. Unfortunately there seems to have been an attitude that people who ask for money for being foster parents are dubious prospects. That attitude, in our view, has to change. Foster parenting of wards is likely to be difficult because many have behavioural problems. Being a foster parent of a ward is almost always more than just providing a home for an orphan.

A further factor in that regard is the introduction of standards. No longer does the government come along and say: "We have a child who needs a home. Will you take him into yours and look after him?" Now the situation is that the government comes along with a child, asks that the child be taken into the home and immediately makes the custody of the child subject to a lot of conditions. Some of these conditions demand higher standards of behaviour or better physical conditions than the foster parents are giving their own children. The foster parents may then decide they would rather not be foster parents.

This whole situation points out the truth of the saying: "You can't get something for nothing." That minimum standards are necessary is self evident. The government has the right and duty to demand compliance with those. When there is the added burden of looking after children with behavioural problems, the added responsibility requires added remuneration. This is now being recognized in the Specialized Foster Parent Program. This is a positive step in helping foster parents to do a better job of parenting. We think it ought to be expanded and encouraged as a preventive measure.

Foster parents complained to us about inadequate rates for foster care but, more important, about delays in payment and the voucher system they had to use to buy clothing for a ward. They found the voucher system demeaning in that it proclaimed immediately to the storekeeper that this was a welfare purchase. We suggest that one should not be expected to be happy to wait for his money because he is doing business with the Government of Alberta. The finance side of the Branch and the Department of Finance seem to be geared to more paperwork and less service. We suggest there is no excuse for not paying promptly and the Finance Department should devise a system to do so. According to the draft brief from the department of January, 1981 the question of slow payment to foster parents was being rectified and the question of vouchers to purchase things for wards was being eliminated by giving foster parents a cash advance. These are progressive measures that should eliminate some of the complaints above.

The question of the scale of payments for foster parents was raised by some, but surprisingly not by many. The suggestion that some persons become foster parents for the money seems ridiculous. At the present scale of payments there is no item of profit unless the child is starved and unclothed which is not the case.

Another complaint of foster parents is that all too often they are asked to assume custody of a ward with a very minimum of information about the child. In a few cases it was claimed that the social worker concealed information of serious problems afflicting the child that, had they been known, would have prompted the foster parents to refuse to take the child. This can occur because the worker fears that the child will be turned away or interprets section 3 of The Child Welfare Act as prohibiting the revealing of pertinent information about the child. We will be discussing section 3 later in this report. In any event, before a problem child is put in the custody of foster parents, the worker should be satisfied that the foster parents understand and are capable of coping with the problem.

A further problem that foster parents have is determining who instructs them. A social worker has recruited them to be foster parents. Another social worker arrives with the child to be cared for. Then perhaps the mental health worker arrives on the scene, etc. Unfortunately this can sometimes result in conflicting instructions to the foster parents. This is a phenomenon that has been remarked on in another context as well. A family with several children all at home, but with more than one having need of services from the Child Welfare Branch or other branch of the Department of Social Services, can have as many as half a dozen social workers looking after the same family simultaneously. These problems seem to suggest that present methods of case handling ought to be reviewed.

We now come to one of the Ombudsman's recommendations on which we were asked to comment. It is:

> "The department should develop a clearly articulated statement on the philosophy of foster care and the intent of its legislated programs."

We agree that a statement of the philosophy on which a program is based is useful as it defines the objectives and reasons for the program. Having a clear statement may be helpful to those who must implement the program. The nearest we have found to a statement of philosophy of foster care is contained in the Report on Child Foster Care given to the Alberta government by the Committee on Child Foster Care in September, 1972. There it is stated that in Alberta foster care is:

> "A government sponsored placement for children...whose natural parents are unable to provide them with proper care and who are therefore provided with substitute parents..."

How does this come about? Every child receiving foster care in Alberta is either a temporary ward or a permanent ward or is in the custody of the Director pursuant to an agreement. They become such through having initially been apprehended, surrendered by a parent or parents, or by custody by agreement of the parent or parents. In any case, the natural parents are unable or unwilling to properly care for the child. The Director of Child Welfare has become the guardian and as such must protect the rights of the child. That is done by placing the child in the care of foster parents who are to supply the care that natural parents should have provided.

It must not be overlooked that foster care so supplied is usually temporary. It may be ended by return of the child to the natural parents, by adoption, or by the child attaining the age of 18. Return to the natural parents is regarded as the ideal solution. This usually occurs, if at all, in the first year or two after coming into care. After that time return is very unlikely. Adoption is regarded as the second best solution as it provides a permanent home and parents to replace those the child used to have. Adoption is most likely with infants or very young children without emotional or physical problems. The older the child or the more problems he has, the less likely adoption is. Foster care that becomes long term and semi-permanent is usually of unadoptable children. This almost always means children with problems to some degree. It is clear that the longer a child is in foster care, the less likely it is that he will either return to his parents or be adopted.

It must also be remembered that the child who has come into care has almost always been affected by the family problems that necessitated his removal. In addition, the removal itself is almost sure to have been disturbing. Then there is the further unsettling experience of being put into a strange home with strange parents. Sometimes this occurs several times with a cumulative negative effect each time. We were told of one girl in care who was placed in 37 different foster homes. It is not uncommon to hear of young criminals who were wards and were moved from foster home to foster home frequently before they became adults. It is argued that they did not have a proper start in life and that accounts for their criminal activities and career as adults.

It is not fair to blame all these results on the child welfare system. Some of these children are so damaged naturally or by their parents or relatives before they come into care that little or nothing can be done for them except to try to protect them from harming themselves or others while they grow up. That type of child poses an insurmountable problem for the average foster home. However, the department is the last resort. There is no place else to go so the burden of dealing with such children has to be assumed by the department.

We must remember that some of the temporary wards do have a hope of going back to live with their natural parents. If the foster care supplied to those children is such that all contact with the natural parents is cut off, that will tend to prevent them from in fact going back. That puts an added burden on those foster parents for they must act as parents and exercise the rights and duties of parents while endeavouring to facilitate the return of the children to their own parents. It is a difficult role. Similar problems arise when the child in care is a permanent ward and adoptable. There the foster parents must recognize that right of the child and facilitate the child's adoption into a good home.

We believe that being a temporary ward is an unsettling factor for children who are old enough to understand the situation. So long as they are in that state, they are in a state of limbo. They have in mind the possibility that their natural parents may overcome their problems and retrieve the children no matter how unreal that hope may be. We believe it is unfair and unsettling to let the children live in false hopes. The child has a right to some degree of permanency in a home environment and if the natural parents cannot supply it as is their duty within a reasonable time, then that prospect ought to be terminated and the Director should take steps to find a permanent home for the child elsewhere.

Some foster parents have claimed that they were misled by the social worker when a child was placed with them. The social worker stated that the child was normal and had no problems. Shortly thereafter it turned out that this was not so. Sometimes this may have been a case of innocent misrepresentation by the social worker because the social worker did not know of the problems. There may have been an element of that in "B's" case mentioned later in this report. That boy had serious hearing problems at the time he was placed in the foster home. Those foster parents did not claim to have been misled. They pitched in and tried to cope with a problem that was beyond their capabilities because it appeared no one else was willing to try. Nevertheless, an inappropriate placement may be worse than no intervention. Even if there is no tragedy, at least the child will have to be moved again with additional unsettling effects.

Thirty-five years ago a commission inquiring into child welfare in Alberta recommended that there be a careful inquiry into the background of foster parents and that there be careful inquiry into all relevant factors before placement of a foster child in a foster home. It further recommended that there be follow-up visits to ensure that the placement was working out. In the 1972 report mentioned above the commissioners said the same thing. In his 1981 report the Ombudsman said much the same thing. We now say it again.

In the 1972 report the committee reporting recommended:

> "Stability in foster home placement should be a cornerstone of the foster care program. Multiple placement should whenever possible be avoided. Whenever a child comes into care and requires foster home placement, every effort should be made to ensure that the initial placement is a correct one and that a maximum degree of permanency will be attained."

The committee went on to explain how they thought this should be done. That is their Recommendation No. 6:

> "1. The establishment of receiving and assessment centres throughout the Province to be strategically located to meet the needs of urban and smaller centres as well as the cities.

> 2. These centres to be staffed with trained professional help. The objectives of these centres must not be custodial care but as the name implies - receiving and assessing.
>
> The child's stay at the centre must be of short duration - sufficient only to assess its problems and decide upon proper initial placement. Your Committee believes that the Sifton House in Lethbridge could serve as a model for the rest of the Province.
>
> 3. The recruitment of specialized and trained foster parents equipped to cope with children suffering from emotional or handicap problems. These parents should be trained and adequately compensated to provide institutional type services in a normal family setting."

Those ideas were repeated by the Ombudsman in his 1981 report, even down to the reference to "the Sifton Assessment Centre in Lethbridge". We agree and endorse these ideas. We hope this third repetition of them will gain some recognition.

In our view, too much faith can be placed on the apprehending social worker's assessment. Occasionally a child can be assessed as dumb, obstinate, wilful and undisciplined when in reality he is suffering from some undetected disability. Sometimes that child then becomes a behaviour problem in the foster home in which he is placed when, if he had been properly examined and assessed, he would have been treated properly.

To come back then to the philosophy of foster care, it seems to us the definition used in the 1972 report as quoted above covers the situation. However, for greater certainty and with apologies to the authors of that report, we would reword the definition to read:

> "Foster care is a government-supervised placement with substitute parents who will provide proper care to children whose natural parents are unable to provide the same."

The key words in that definition are "proper care". That, in our view, encompasses the idea of adequate care, having regard for the condition and circumstances of the child involved which will usually not be the same as those of an average child.

We were also asked to comment on another recommendation of the Ombudsman which seems to logically follow the foregoing discussion. That recommendation is:

> "A planning committee should be established, which could have a format similar to those in other provinces, to consider the long-term objectives for the child in care in order to avoid the 'drifting' syndrome. Such a committee could be composed of persons of varying expertise. Placement of a child in a foster home should be a decision made by the group of persons directly affecting the child's care and future."

We agree that the "drifting" syndrome is to be avoided. By that we mean that foster children should not be left to drift from one foster home to another over the years, as in the case of the girl who was in 37 foster homes while in care. This involves, in our view, a proper placement as soon as is practical after the child has come into care. A proper placement cannot be made without an adequate assessment of the child and his needs. We have already referred to the recommendations concerning assessments made in the 1972 report. Time must be taken to assess the child and the assessment must be done by more than one person. We would leave the composition of the assessment committee to the judgment of the supervisor depending on the nature of the particular case and bearing in mind that the assessment must be made by more than one person. We have seen a type of interdisciplinary committee used in other jurisdictions with great success in the overall placement and management of difficult cases. It will only work, however, if there has been adequate investigation and preparation for the assessment. This emphasizes again the need for well trained and experienced supervisors.

We now come to the next and very important step. That is, the question of placement. In our view, the members of the assessment committee and the apprehending social worker should not be members of the placement committee. We will outline below a procedure we recommend. They, of course, may and probably will make recommendations to the placement committee but they ought not to be judges in their own cause. We would exclude the apprehending social worker who may be seen by the child or the parents as the instigator of an unwanted problem. To let that person sit in on the decision on placement could be seen as similar to letting the arresting policeman sit in judgment on the criminal he arrested.

In some other jurisdictions it has been suggested that the child's parents and the child participate in the placement decision. If by participation it is meant that the parents and child, where reasonably possible, are consulted and their views are fairly considered, we concur. With respect to the parents, the reasoning is similar to that for excluding the apprehending social worker. It would be letting the people who may have caused the problem decide on the remedy or penalty to the exclusion of more unbiased persons.

If the child is old enough to take part in the deliberations and express opinions, we would still exclude the child from making the decision. Our reason for excluding the child from the deciding role is that the child cannot, of necessity, be impartial. A decision on one course may implicitly be critical of the parents. No one should be put in that position.

In our view, if the child is a temporary ward, the natural parents have a right to make representations concerning the placement of their child because presumably there remains some possibility of the child being returned to them. We would, therefore, require that the natural parents be afforded the opportunity to make representations to the placement committee, but they ought not to be permitted to delay decisions by not attending. If the child has become a permanent ward, then the natural parent no longer has any rights concerning the child. The natural parents, however, may have an interest in the child even though their rights are gone and we would suggest that it be a matter of discretion for the placement committee whether the natural parents are heard if they wish to be; the decision to be made on a case by case basis.

A child who is old enough to understand and express opinions should always be given an opportunity to express them concerning placement. In the course of our hearings we have interviewed some foster children who expressed very good reasons why they were in favour of or against a proposed placement for them. Some of these reasons might be irrelevant to the future needs of the child as assessed by the assessment committee, but they were very relevant to the child's well-being or happiness in a given residential situation.

If the child has been with foster parents for an appreciable length of time, their observations and suggestions may be helpful. Such foster parents should be given an opportunity to speak if they are interested and want to offer suggestions.

We feel that the placement committee should deal with every placement - not just the initial placement of a child. If it appears necessary to move a child from one placement to another, that would often be an indication that there was something wrong with the first placement. It could be because the foster home was not a suitable one generally for that particular child. It could be that the child was not assessed properly and needed a specialized foster home. In any event, if a placement fails and the child is brought back to the same placement committee to be placed anew, that very process will tend to expose the oversights that led to the wrong first placement and lead to better placement procedures and sometimes to elimination of unsatisfactory foster homes.

Keeping in mind the preceding remarks, we would recommend that a placement committee be composed of not fewer than three experienced persons and if there is a specific problem such as a medical or psychological problem, it may be useful to add a practitioner in that field. There will be variations from case to case.

We would recommend that there be one or more placement committees in each district office so that there is no delay in convening meetings as needed to deal with the volume of placements to be made. The important thing is that the committee have before it any assessments of the child and any recommendations of the assessment committee, that it have up-to-date information on available resources and that it hear everyone who has a right to be heard and comes forward to be heard.

At present, there is an Executive Director of Institutional Resources providing central control over Institutional Resources throughout the province. We are given to understand that the department intends ultimately to pass control over the institutions to the regions in which they are located, but maintaining access for children from anywhere in the province. We are concerned that this will give an unfair advantage to those regions containing the institutions. We recommend that there be a central placement committee which will assess the recommendations of local placement committees where the recommendation is that a child have access to an institution in order to give priority having regard to the needs of the children. This should be a multi-disciplinary committee.

We now turn to Heading Number 7 in the Order-in-Council where we are asked to review and report on:

> "The changes, if any, that should be made and the policies, procedures and practices provided in respect of foster homes in Alberta".

We have already in our discussion of the preceding two headings discussed foster homes to some extent. In addition, earlier in this report we discussed complaints that we had received from foster parents concerning departmental policies. At the same time we acknowledged that some of these policies are recognized as needing change and are being changed. The voucher system to buy clothing for children is being eliminated. It is being recognized that some foster children require special care and to deliver that care foster parents are entitled to special rates of pay.

We have already discussed the objective of foster care: that is, to provide proper care to a child. We have pointed out that because of his circumstances every ward probably has more problems than the average child. Some may be like the girl who told us that the Calgary detention centre was the nearest thing to a home she had ever had. Some like her may never have known a normal home life and some of these may only need a normal home. But most, because of their experiences, need at least a little more than an average home. They need foster parents who can give the extra care that is required.

We believe the present recruiting methods do not take that extra need into account so that some foster parents assume the role without realizing what they are getting into. On the other hand, some foster parents become such for reasons that are not necessarily in the child's interest. We did not interview very many foster children, but out of the small number we saw we had two complaints about foster parents who tried to convert them to their religion. It seems that their care has a hidden condition not contemplated when they became foster parents. Whatever religion the child may have, it may be his only inheritance from his natural parents. It is no part of proper care to take that from him. In our view, proselytization should not be practiced by foster parents.

We have mentioned earlier that foster parents complain of a lack of information about the foster child. They complain also that when they do have a child with special problems they frequently do not get any help in solving them. In fact, in a case in Edmonton, foster parents who had had the children for six years asked for help and instead of helping them the social worker removed the children from their care. The circumstances, in our view, would not have justified an apprehension of the children had they been the natural children of the foster parents. When foster children are removed from a foster home to go elsewhere, frequently the foster parents are not allowed an opportunity to express their views about the future of the children. We believe that if a child has been with foster parents long enough so that they have come to know the child fairly well, they should be asked their opinion about a new placement for the child and if they express a wish to voice an opinion the placement committee ought to hear them.

We suggest that when recruiting foster parents the department should give a full explanation of what will be expected of them. At the same time the proposed foster parents should be interviewed, studied and investigated so that their capabilities may be known. When a child is placed with them they should be given full information about the child to enable them to properly care for the child. If there are special problems they should be fully and frankly discussed, together with suggestions for coping with them. Failure to give adequate information to foster parents arises from undue emphasis on the prohibition in s. 3 of the Child Welfare Act against divulging information. Foster parents ought not to be out-of-pocket for caring for a foster child. If an acting-out child causes damage the foster parents should be compensated for it.

In 1948 a commission reported to the government that there ought to be better investigation of prospective foster homes. We have already quoted the recommendation of the committee reporting to the government in 1972. The Ombudsman has recommended that there be greater investigation of foster parents before they are approved. We agree with all those observations and we would urge that placement committees take the time to attempt to properly match foster homes and foster children. Indications are that the department is now screening to a greater degree and doing some matching.

CHAPTER 7

RESPONSIBILITY FOR QUALITY OF SERVICE

Heading Number 5 of the Order-In-Council asks us to comment on the following:

> "The division of responsibility for services to be provided by public facilities and those operated by private or volunteer agencies."

It is understood the services meant therein are services to or for children. We must not forget that public facilities can be operated by a municipality or by the province.

With the exception of juvenile delinquents and apprehensions, there are very few services to children that cannot be delivered by either public or private agencies. There is a school of thought in some jurisdictions that all services to children ought to be delivered by private agencies and the state be merely a broker contracting and paying for the services as needed. We do not subscribe to that view. In Alberta the Children's Aid Society system, a type of private agency concept, was eliminated a long time ago. Presently there is a mixture of the two systems of delivery in Alberta. In some circumstances it is more satisfactory to use the one rather than the other mode of delivery. Testing and assessing of both are going on all the time. The main thing is that it must never be forgotten that having taken charge of the child, the state has thereby assumed ultimate responsibility for the care and treatment that is given the child, whether it be by a public agency or a private agency.

Responsibility arises where there is a duty to be performed. Therefore, in trying to identify who has a responsibility, we have to identify the duty. What relationship gives rise to the duty? Then to whom is the duty owed and by whom is it owed - i.e. Who has the responsibility to perform it?

In the parent-child relationship the parent has the duty to protect the child from harm. He or she has that responsibility. Sometimes the parent pays another to perform the duty, for example a babysitter. This does not absolve the parent of responsibility to give the child protection. It does make the babysitter also responsible for the protection of the child to the extent of the terms of the contract with the parent, but the parent's responsibility continues unabated. The babysitter's responsibility to protect the child from harm is a dual responsibility. It is a responsibility to the parent arising from the contract, but the law also imposes a duty to the child because of the status as a child and the babysitter is in temporary charge of the child.

Other duties may have been imposed as part of the contract. For example, the babysitter may have been told that she is to make the child brush his teeth and say his prayers before going to bed. There she has a contractual duty to perform those things, but as between her and the child there is no duty in respect of these matters except an indirect one arising from the contract.

There are other relationships that must be looked at. The provincial authority has intervened in most of the contractual relationships that a parent or guardian may enter into to obtain services to or for a child outside the child's home. An exception is the situation where the service provider, pursuant to a contract with the parents, provides service to fewer than four children. The Social Care Facilities Licensing Act requires the provider of a service to four children or more to have a license to do so. The provincial authority has taken unto itself the role of deciding who may and who may not provide services. It has the final word or ultimate control.

In so doing, the licensor has also taken the right to impose conditions by way of regulation governing the quality of the service to be provided. In this way the provincial authority has taken on the responsibility of regulating the quality of the service to be provided.

In almost all cases of services provided to children, the provincial authority pays part or all of the cost. It then can control who will provide the service and how the service will be provided by simply having recourse to the old saying, "He who pays the piper calls the tune".

If the child involved is a ward of the province another relationship comes into play. The provincial authority is the guardian of the child and has thus assumed all the parental duties to that child. In making contracts for service to or for the child, the provincial authority as guardian has become the purchaser from the provider of service. The authority can choose to make or not make the contract and can impose conditions if it wishes and thinks it advisable in order to obtain the quality of service it wants for the child. Here the provincial authority again has final control.

At the beginning of this report we mentioned a case that illustrates the operation of some of these factors. It is the case of the Northern Regional Treatment Residence. There two individuals came to the provincial authority with a plan to operate a residence wherein children would be given psychological treatment. Neither of the proposed operators was a psychologist, but it was proposed that they would from time to time seek counsel from a practising psychologist. A license to operate the residence was granted to them. The licensing authority imposed no conditions or regulations on them. The provincial authority agreed to give them a grant to operate the treatment residence. The grant was renewed each year that the residence continued to be operated. The children who were placed in that residence were all wards of the provincial government.

The provincial licensing authority granted these operators a license to go ahead notwithstanding that neither one of them was a psychologist. There was, therefore, not even the protection of the standards of the Psychologists Association of Alberta to govern the service that was to be provided. The provincial authority, of course, was also paying so as a contracting party it had the ultimate control in three ways: licensing, the power to impose regulations and the power to withhold funds. It used none of these to monitor the treatment. Finally, the provincial authority as guardian of the children had the parental authority to approve or disapprove of treatment to be given to its wards.

CHAPTER 8

DAY CARE

Day care has been the subject of heated dispute between the two major cities as to standards and between the province and the municipalities as to control and financing and standards. In addition, there have been disputes between the proponents of public day care and private day care. The supporters of public day care claim that private operators in it for the profit cannot deliver as good a service as the public operated ones. The private day care operators reply that they are more efficient and can deliver just as good service. In discussing day care we need to consider just what it is. We believe there are three aspects to quality day care as follows:

1. It may be a service to working parents.
2. It may enhance a child's development.
3. It may be part of a broader range of services to children and parents.

Some day care centres in Alberta may provide all three services, but not all do. Almost all children registered in day care centres are children whose parent or parents work. Sometimes it is a single parent situation in which the parent has real need of the service. Sometimes it is a two parent situation in which the parents may have a need for the service or they may not. In some needy situations the Department of Social Services subsidizes the parents by paying part of the monthly fee for the child. In some cases where the parent or parents can afford the monthly fee there is no subsidy paid. In addition to the monthly fees collected for each child, however, the day care centre also receives an operating subsidy from the province based on the number of children in the day care centre irrespective of whether they are subsidized or not. Thus, to some extent provincial funds pay part of the day care cost of parents who can afford to pay the full cost.

Parents who need the service to help them to earn a living can have it. Parents who do not need the service to help them earn a living can have it. Parents with low incomes in the former group can have the monthly fees subsidized in part. Parents in both groups will have the benefit of the operating subsidy irrespective of need. Well-to-do parents who do not want to look after their own children can have them looked after in this way.

However, there are people on the low end of the economic scale for whom this is a necessity where it is imperative that both parents work. A subsidy is justified in these cases and indeed, the present subsidy which has a fairly low income test may be inadequate. Here it may well be the duty of the province to aid these people, particularly where the children may be put at risk, either from economic pressures at home or from inadequate care while both parents work.

Probably all day care centres can now be said to have programmes that enhance the child's development because the regulations require that the licensee submit a programme with his application for a license. This programme must be such as in the opinion of the Director of Social Care Facilities is in keeping with the developmental needs of each child. Some programmes may be minimally acceptable and others may be much better. The parents or guardian can choose the day care centre whose programme suits their preference or economic circumstances.

Day care can serve as a place for detection of problems involving children, just as schools do with older children. We heard of instances of responsible private day care operators reporting their suspicions of abuse to the Department of Social Services. In addition, where operators see problems developing, they can and do discuss with and instruct parents on needed skills to deal with the problems. We believe publicly operated day care centres give these services as well. This should be encouraged in both public and private day care centres.

In some cases subsidized day care may be one aspect of a treatment programme for a family or a child. The family in such case will be in receipt of other services from the Department of Social Services.

Every day care centre is licensed by the province. Every day care centre is subject to some regulation by the province. Every child in day care is there pursuant to a contract made by the parents or guardian. Every child in day care is subsidized to some extent with provincial funds.

Day care legislation began with the Preventive Social Services Act of 1966. That enabled non-profit day care centres to apply for and receive funding from the municipality. Eighty percent of the cost was then passed on to the province. The municipalities controlled the development of this service and set standards. The standards adopted by the City of Edmonton, for example, were those of the Child Welfare League of America, a recognized authority in this field. In 1978 the provincial government introduced the Alberta Day Care Programme to replace the Preventive Social Services Day Care Programme. Regulations were passed including licensing provisions. It was said that this was necessary to standardize day care throughout the province. At the same time, the system of funding day care was changed to subsidize eligible families to a large part, rather than the day care centres themselves. This enabled subsidized families to place their children in any day care centre or home licensed under the day care regulation. This included commercially operated centres. The regulations did not set as high standards as had been adopted by the City of Edmonton.

The municipalities that operated day care centres were then faced with the problem that the provincial subsidy was based on a standard which was lower than that which some municipalities were applying. Therefore, to continue to deliver day care service at the higher standard they required, these municipalities had to come up with additional funds. In the case of Edmonton it continued the same high standards it had previously adopted, although its subsidy from the province had been reduced substantially. The city paid the difference. Some suggested that the commercial operators would conform to the minimum standards and charge the same as the city and pocket the difference as profit. On the other hand, it was argued that the city programme was unnecessarily high in standards and ought to be reduced to the standards established in the regulations. That state of affairs continued until 1980.

In 1980 the Minister, without consultation or warning, announced that the provincial government would take over full control of the day care family subsidy and day care licensing programmes. That is the situation that prevails now. There are political considerations that come into play. The municipal politicians have lost control of substantial funds and have lost substantial administrative powers. The provincial politicians claim that by allowing the commercial operators into the field, market competition will hold down the cost of the service. It has also been urged that the commercial operators exert considerable influence with the provincial government and that this has been a move to help them make a profit.

It seems to us that those political arguments have little relevance. We are to comment on the division of responsibility for this type of service. We have pointed out that the ultimate control rests with the provincial authority through its licensing and regulating power, the fact that it is a substantial payer for the service and in a few cases, it is also, as guardian, the customer of the service. For these reasons then, as we pointed out earlier, the provincial authority has the final responsibility. With that responsibility goes a duty. The duty is to the parents who contract for these services. If the parents can obtain the best care in day care centres directly administered by the province, then that is what should be supported. If, on the other hand, the best benefits and best care of children come through non-profit or volunteer organizations, then that is what should be supported. Finally, if privately operated day care centres can give the best service, then that is what should be encouraged.

Cost, of course, is a factor. In the previous paragraph we said the best should be obtained, whether it be by commercial day care or public day care but we think that statement has to be modified by adding for the money available. It becomes a question of priorities. Are we prepared to spend money on good day care in the reasonable expectation that in the long run money will be saved by reductions in delinquency and foster care?

Before leaving this topic we should comment that we visited a number of day care centres. We received briefs from various day care operators and we heard submissions about day care. We saw well-operated non-profit day care centres and we saw well-operated commercial day care centres. We also saw one or two commercial day care centres that were not equal to others we had seen. We found that inspections by provincial inspectors seemed to be few and far between and rather cursory. Unless the provincial authorities can monitor performance and adherence to standards, the quality of service will surely deteriorate. That is a factor that must be taken into account in considering how the best service can be delivered.

The present policy is that a single mother on social assistance must seek work as soon as her baby is 4 months old. Fully subsidized day care in such cases would be a progressive step. There are, in fact, a few day care centres that take children at this young age. We recommend that either the present policy be abandoned or suitable facilities be provided.

So long as the province is the ultimate controlling authority for day care, it must assume the responsibility if there is poor day care. Therefore, we urge that reasonable standards be developed in the area of program, as well as physical facilities. Once satisfactory standards have been developed, there should be inspections by trained license inspectors. These inspections should be frequent enough to ensure continuous conformation with the standards.

CHAPTER 9

THE PRIVATE AGENCIES

Heading Number 6 asks us to review and report on:

> "The respective roles and relationships of provincial child welfare workers and the boards and employees of private or volunteer agencies and whether any changes should be made with respect to programme development, supervision and inspection procedures."

We believe that in our discussion in Chapter 7 we may have dealt with this heading at least in part.

A relationship between provincial workers on the one hand and boards and workers of private or volunteer agencies does not depend upon who employs the one or the other. The authority of the worker arises from the role he or she has. Is it the role of guardian or deliverer of a service? For example, a social worker employed by the province may be in charge of a ward. In that capacity the worker is representing the Director of Child Welfare who is the guardian of the ward. In that capacity the worker has the powers and duties of a parent. These include the duty to consider and accept or reject a proposed course of treatment for a government ward. The treatment may only be commenced and continued with the continuing informed consent of the guardian's representative. There has been a tendency to hand over a ward to a private or volunteer agency or indeed a provincial agency and forget about the child. The Northern Regional Treatment Residence incident is an example.

The question of child discipline in a day care centre illustrates another consideration. Except in the case of a government ward, the child is there pursuant to a contract between the parent and the operator. The question of physical discipline may have been made a part of the contract if it was specifically discussed and the limits agreed upon. For example, it may have been stipulated by the parent that there can be no physical discipline whatsoever or that a reasonable amount of physical discipline may be administered by the operator. Then, subject to the law, the provisions of the contract would govern and no provincial employee would have any right to intervene within those limitations. However, if there was excessive physical punishment which became known, this could give rise to an investigation by child welfare authorities and possible procedures under the Child Welfare Act or it could give rise to an investigation by the police and prosecution under the Criminal Code.

Recent news items have identified cases of alleged abuse of children by day care centre operators or their employees. This has given rise to cries for intervention by provincial authorities. There have been suggestions that there will be regulations made concerning this topic. We do not recommend that there be regulations. The law of assault, as explained in Chapter 17 of this report, is already there. It should be used. There need be no further regulation which could interfere with parental rights and duties. In fact, with respect to the allegations mentioned above about a day care centre in Edmonton, assault charges have been laid.

Programme development, supervision and inspection should go hand-in-hand, but within the department that does not seem to be the case. Responsibility for programme development has been put under one Deputy Minister, while responsibility for service delivery which necessarily involves supervision and inspection is the responsibility of another Deputy Minister. At times this can lead to the adoption of programmes which are impractical and unworkable. This we believe arises from the idea of a modified matrix system of management. We believe that system of management is more applicable to factory assembly lines than it is to a social services department. There is some degree of co-ordination and consultation now, but if the division did not exist we believe there would be more.

Once again, the Northern Regional Treatment Residence is an example. There a programme was suggested and approved and financed. No adequate provision was made for supervision, nor were inspections carried out. That seems to be a clear case of lack of co-ordination between planning and delivery. The plan did not provide any adequate means of supervision and apparently little or no inspecting was done. Certainly, as we have already pointed out, the social worker in charge of the children in that residence had a duty as a guardian to review the treatment being given the wards.

CHAPTER 10

GUIDELINES - DISTRIBUTION OF SERVICES

In Heading Number 3 we are to review and report on:

> "The need to establish guidelines in respect to the limits of treatment policies, procedures and practices that may be authorized and the methods that may be used to supervise such guidelines in private or volunteer agencies".

In the case of treatment that is to be given to children by professionals such as doctors, dentists, psychiatrists and psychologists, reliance can be placed upon the professional societies' standards that govern their activities. Where the treatments are to be administered by non-professionals or professionals whose profession does not have an established set of standards, there is clearly need for the department to establish guidelines in the field of child care. In the interests of economy there is sometimes a tendency to employ the cheapest possible help which tends to mean also the most poorly trained help, but this is not always so - many are well trained. The substitute for training is supplying the untrained worker with comprehensive guidelines and procedure manuals. Then, of course, there needs to be a system of inspection to see that the guidelines are being followed and the procedure manuals used. With respect to private or volunteer agencies, the granting of a license should be conditional upon there being a power of inspection and there should be regulations governing the essential aspects of the treatment and imposing limits so that any breach can be relied upon as a means of withdrawing the license. Otherwise there is no power to enforce obedience.

One of the problems revealed in the N.R.T.R. case was that the Psychologists Association had not formulated standards for behaviour modification treatment. That is because there was no general agreement on these procedures which were still in the experimental stage. In such a situation the social worker must be particularly alert, in the role of guardian, that consent to the procedure, if given, is an informed one.

We now move on to Heading Number 8 in which we are to review and report on:

> "The adequacies of the distribution of services through Alberta of public and private child welfare facilities and to consider whether the present facilities in outlying areas provide satisfactory services."

As we have already indicated, we received many briefs and heard many presentations. These were from interested groups outside the government and from within the department. The only complaint we heard that could be related to distribution of services was the recurring complaint that in too many cases apprehended children were placed in foster homes or treatment facilities far from their natural parents. In addition, native parents complained that their children were in need of native foster homes. The reply to these complaints was always that there were not any available near at hand.

We did not have specific complaints about the shortage of assessment centres, but it seems to us that there is a misuse of assessment centres. Assessment centres established on the recommendation of the Kirby Commission are now being used as holding centres rather than assessment centres. We believe that if all children coming into care were properly assessed at once, this would lead to appropriate care and possibly reduce the length of time the child is in care. From that point of view then probably there is a need for more assessment centres in the province.

Some treatment facilities such as Westfield in Edmonton and William Roper Hull Home in Calgary are facilities that deal with very difficult problem children. They have need of the services of very qualified people in various fields, not on a full-time basis but from time to time. These people are not found in the outlying areas - they concentrate in the two major cities where the demand for their abilities is also concentrated. Thus, the sophisticated treatment facilities need to be where the expertise is to be effective. This explains the necessity of sending the children to the major cities for treatment, even if they are far from their parents' homes.

The services that are in short supply outside the two major cities are mainly psychological and psychiatric services. In "C's" case, (see Chapter 13). "D" was taken from Lethbridge to Edmonton for psychiatric analysis and treatment because of the facilities available at the University Hospital. Similar facilities will probably never be available in the northeast, northwest or southern regions.

The Social Services Department, in its decentralization program, has divided the province into six regions. It has been suggested that sophisticated treatment can be made available within each region by transporting the experts to each region from time to time to give treatment. Experts can be brought in to make plans and assess but the children will have to be taken to the two major cities for the sophisticated treatment. Firstly, many of the expert practitioners will be unwilling to lose a lot of potentially productive time in travelling. Secondly, they will decline to work in facilities that are not as good as they have in the two cities. We, therefore, believe that there is no alternative to taking children to the two major cities for sophisticated testing and treatment, even if that means they have to be taken far from their homes.

Since there have been no complaints to us about the distribution of services other than the above, we are forced to conclude that distribution of services in the province is adequate. There does seem to be a network of district offices of the Department of Social Services throughout the province in accordance with the population concentrations. It further appears that private or volunteer agencies spring up where the need for a service arises. An example is a day care centre on the Saddle Lake Indian Reserve that came into being at the instance of a group of women on that reserve.

CHAPTER 11

INTERPROVINCIAL COMPARISON

We now turn to Heading Number 2 of the Order-in-Council wherein we were to review and report on:

> "The extent of services available and the nature and quality of facilities provided for in the child care system in Alberta and to make observations based on appropriate comparisons with other jurisdictions in Canada."

We have already herein commented on the nature and availability of services in Alberta. With respect to the other half of that heading, by "comparisons with other jurisdictions in Canada", we decided to retain the services of the Child Welfare League of America to do a survey for us. This was done and we have their report. We have found it a useful document for many aspects of our work, but for the specific purpose intended it does not enable us to do much in the way of making comparisons. The reason for that is that each province has its own definitions. Even the same definition in one province means something different from that in another province. Each province has its own system of gathering statistics. The statistics are not comparable either because one province might include, for example, juvenile delinquent wards as being "in care" while in another province they would not be included.

This does not mean that the survey was of no use. There are comparisons of systems and there are indicators of similarities and differences in philosophy and approach to the problems. In every province there are competing trends towards centralization and towards decentralization. Most of the services to children are under one ministry in each province. The exceptions are: Education, Public Health, Juvenile Court and Probation Services.

Six provinces, being Alberta, British Columbia, New Brunswick, Newfoundland, Prince Edward Island and Saskatchewan, provide service delivery directly and through contracts with service providers. In Manitoba and Nova Scotia it is a mixture of departmental services and those of Children's Aid Societies. In Ontario it is by Children's Aid Societies and in Quebec by Social Service Centres. At this juncture we might point out that a long time ago in Alberta there were Children's Aid Societies. They were phased out. Up until just a few years ago there were Children's Aid Societies delivering service in British Columbia. They have been phased out. The trend seems to be in that direction but they are so firmly entrenched in Ontario that it is likely that situation will not be changed for a very long time, if ever.

All provinces by legislation make provision for a Director of Child Welfare or the equivalent. In some cases he is responsible for the development and monitoring of programs, but not for delivery of programs. In others he is responsible for all three. In all cases he is regarded as the guardian of children in care. There is an inherent conflict in this situation. The more responsibilities he has for development, monitoring and delivery, the less he can serve his role as independent guardian of the child. This is a problem that all provinces are struggling with.

Throughout Canada there is a trend towards decentralization of services; that is, the location of decision making to most appropriate and lowest levels. However, in all provinces there is resistance to that trend with respect to province wide functions which tend to remain with the central office. Alberta is presently moving to decentralization and with respect to children's services, we understand some have been decentralized and some await this report.

In every province it is recognized that programs need to be developed and then monitored to see that they are attaining the objectives to ensure satisfactory delivery of services. Then it is necessary to develop standards. An example in Alberta of a monitoring function is the Alberta Social Care Facilities Review Committee. It would appear that Ontario has led Canada in the development of standards but Alberta is also developing standards.

In Alberta standards have been developed recently for child care in residential facilities. They have not been implemented yet as no mechanism has been developed for measurement of compliance. We understand this is being worked on and we understand that other standards are in the process of being developed. If this is followed up and continued it will be a positive trend.

One tool of monitoring is an information system. Every province has some kind of information system. The trend is for this to be a centralized, automated, management information system. In Chapter 18 we discuss the system in Alberta which is being developed and will, we believe, be as good as any in the country when all the information gathering difficulties are overcome.

All provinces require the courts to decide whether a child will be a temporary ward, a permanent ward or a juvenile delinquent ward. It is suggested that temporary wardship can be from 12 to 18 months depending on the province. We have pointed out earlier in this report that this does not apply in Alberta in that we have mentioned instances of children being temporary wards for many years. In this regard we believe Alberta is behind the other provinces, if in fact they do have effective time limits on the length of temporary wardship.

Every province in its legislation provides a basis for the removal of children from their families or the apprehension of children who are not with their families. The basis is abuse or neglect, abandonment or lack of proper care. In every province it is required that a court make the finding that the basis for such intervention exists. The subsequent decision as to what to do with the child is sometimes part of the court decision and sometimes a separate decision by placement committees. In Alberta placement in a foster home is decided by a social worker.

In some provinces there is a growing body of opinion that the province should not supply child care directly. It should instead play the role of a broker and purchase care services as they are needed. The reasoning is that when the province is supplying the service, it must maintain staff and facilities to meet peak demands. In times when demands are not at the peak, maintenance of the staff and facilities at that level is wasteful. That argument does not seem to be persuasive for Alberta. The experience has been that demand has been increasing from year to year and is always ahead of the supply of services.

A similar trend in some provinces is toward elimination of all child care institutions. The basis for that is the same as elimination of provincially operated child care services. In addition, it is argued that no matter how many institutional beds are supplied, so long as they are there they will be filled. The alternative to the need for institutional care suggested in those provinces tending that way is to more sophisticated foster homes with specially trained foster parents who would be paid special rates.

Both these ideas would require the development of good comprehensive standards. Then there would have to be a reliable monitoring system. The problem of monitoring would be made more difficult because the children who were once in institutions would be more widely dispersed.

Alberta is experimenting along these lines, but it is not plunging in. Some care services may be purchased locally and more economically, some may not. We think a cautious approach of the Alberta Child Welfare Branch in this regard is the appropriate one. At one time most child care in Alberta was given in large institutions (orphanages), but that system fell into disfavour for various reasons. Now we are seeing situations where foster homes cannot cope with problem children. This has led to the development of group homes in Alberta and institutions for the more severe cases. This seems to be a trend back toward a modified form of orphanage. Whether that is so, we believe the Alberta reluctance to adopt an extreme policy one way or the other is the correct attitude.

CHAPTER 12

NATIVE CHILDREN

In considering and endeavouring to compare different systems from province to province, one problem requires specific consideration. That is the treatment of native children. We think the most recent and comprehensive work on this subject is "Native Children and the Child Welfare System" by Patrick Johnston published this year in that he surveys the various systems across Canada and compares them. We commend it as a comprehensive work covering the present situation. We would say that in it Alberta ranks rather well among the ten provinces.

In his book at pp. 108 and 109 Johnston refers to the Blackfoot Band of the Gleichen Reserve in Alberta. In 1975 that band entered into an agreement with the Government of Canada and the Government of Alberta. He states on page 109:

> "The Blackfoot agreement is significant in that it marks one of the first trilateral attempts to resolve the child welfare problem. While it obviously increases the direct involvement of Indian people in child welfare, the ultimate authority still rests with the province. The band provides the service - but under the supervision of a provincial employee and using provincial child welfare legislation. The mistrust some Indian people have of provincial programs and legislation may explain why this kind of agreement has not been extended to other reserves in Alberta. Nevertheless, the Blackfoot agreement was one of the first concrete efforts

> to increase in a meaningful way the participation of Indian people in the child welfare system."

That agreement has been in effect since 1975 and seems to have worked well. The statistics stemming from that reserve seem to indicate that apprehensions are down, foster care placements are down and indeed all problem areas seem to have been reduced.

Since then Manitoba has negotiated a tripartite agreement with a number of bands in that province but it is not along the same lines as the Blackfoot agreement. It depends upon the further negotiation of subsidiary agreements. A similar arrangement has been entered into with a group of tribes in the Slave Lake area of Alberta and a subsidiary agreement has been signed. It appears likely that the Blackfoot agreement will never be duplicated because under the Blackfoot agreement the Government of Canada is assuming all the cost without much control. It is unlikely that it will agree to do that again.

The subsidiary agreement with the Lesser Slave Lake Indian Regional Council is of short duration as it will expire March 31, 1984. Presumably it will be renegotiated in the light of the experience of the parties. Consequently, it is very difficult to judge the long term effect. It preserves the ultimate responsibility of the province in child welfare matters and seems to open the door to permitting the band councils to act ultimately as district offices. We think this is a step in the right direction. We are concerned about the shortness of what appears to be a pilot project as it does not lend itself to proper long term planning.

It is significant, however, that the Blackfoot agreement, the Slave Lake agreement and the Manitoba agreement all assert as a basic premise the ultimate authority of the province in child welfare matters. We earlier mentioned the rights of children and this is basic to that concept. Whether the child is Indian, white or some other race does not matter. If the child is within the province, it is our view that the province has the ultimate authority and the responsibilty for the welfare of the child if the parents fail to shoulder their responsibilities. The respective financial obligations of Alberta and Canada are a separate subject.

The thrust of these tripartite agreements has been to try to recognize the right of Indians to look after their own if they will. However, conflicting power considerations have muddied the waters. Indians do not want to release Canada from any responsibilities it may have toward them. They want to direct and control the delivery of child welfare service to their children, but they do not have the personnel nor the resources to do it themselves. The province stands ready to assume its responsibilities except that it is not willing to provide capital expenditures for physical facilities on Indian reserves. The tripartite agreements attempt to reconcile these conflicting ideas. The province assumes responsibility for the delivery of child welfare, but agrees to do so through personnel supplied by or approved by the band. The province then attempts to work out cost sharing agreements with Canada.

While negotiations are going on, children are being neglected or found to be in need of protection and must be taken into care. Their placement cannot wait for conclusion of a tripartite agreement. The child is alive and in need of care at once. The province has taken the position that if there is no other means of caring for the child then the province must and does. We think that has to continue.

We agree with the intent of the tripartite agreements that, where possible, qualified Indian people be made social workers on reserves to carry out the provincial government's policies and to exercise the powers of the province. We believe that as native social workers and native foster homes appear in sufficient numbers, they should be utilized. We think that in dealing with native children on reserves the idea of the extended family as being capable of caring for a child ought to be considered and accepted where feasible.

In our work we endeavoured to meet with band council members to discuss these problems. It was almost impossible. In almost all cases the band council members did not come to the arranged meetings. The majority of persons who appeared at the meetings were Indian women who were interested in child welfare. They were foster mothers, child care workers, etc. They are interested in the welfare of their children now. It is hoped that they will be able to persuade their men to also become interested enough to place the welfare of their children high enough in their scale of values to do something concrete. In the meantime, the province will have to go on looking after the children that need it and using Indian resources where possible but if not, then any resources. The native children are caught in the constitutional conflict between native people on the one hand and provincial and federal governments on the other. Native leaders appear to fear that by negotiating for services with the provincial authorities, they may be jeopardizing the rights they claim against Canada.

Interest in solving child welfare problems by Indians is growing and there is a slowly increasing number of native people taking training and seeking employment as child welfare workers. This is being and should continue to be actively encouraged. We hope this will ultimately lead to an adequate supply of group homes and foster homes on reserves. This would alleviate the long-standing complaint of native leaders that native children in care are reared in a non-native environment.

CHAPTER 13

"K's" CASE AND THE CASE OF "C" AND "D"

A specific case that was referred to us was that of the death of "K" who died April 8, 1980 at the age of 3 years, 9 months. Her mother was at the time an active prostitute and it was a male associate of her mother's who killed the child. He was subsequently convicted of manslaughter.

The reason this case was referred to us was that the child had been a temporary ward earlier in her life and she was returned to her mother by a judge's order. There was criticism that the prostitute should not have had custody of her child and criticism that somehow or other the department was remiss in the information it provided to the court when the judge made the order to return the child to her mother. We have reviewed this file in detail.

The first notification to the department was on August 12, 1976 when an anonymous phone call was made alleging that the mother was neglecting her baby. An investigation was made and no basis in fact for the complaint could be found. In December, 1977 the mother was arrested on a charge of conspiracy to live off the avails of prostitution. At the time she had her daughter "K" with her and the police called the Crisis Unit which apprehended "K" . About a week later the department, in cooperation with the mother, arranged for the child to go to live with her step grandmother. That arrangement was approved through the making of a temporary wardship order by a Family Court judge in January, 1978, that temporary wardship to be for six months. In June, 1978 the matter was reviewed. The department sought and obtained an extension of the temporary wardship order for 6 months. In December, 1978 the matter was reviewed again by the Family Court judge who expressed the opinion that the department had no right to make moral judgments about the mother's way of life and the fact that she was working as a prostitute was not sufficient reason for her child to be kept from her. He then made a further temporary wardship order of 6 months. There was no suggestion at any time that the child had been ill-treated or abused.

In June, 1979 the matter came up again before the same judge. The department could add very little information about the mother because they had been unable to locate her. However, she appeared in court and testified that she now had adequate living accommodation and part-time work and was looking for steady legitimate work. The department recommended that the baby go with her mother for three months under a supervision order. The judge agreed and so ordered. Checks were made on the mother and the baby during this three months and it appeared she was looking after the baby well. She did admit, however, that she had gone back to prostitution in order to pay her lawyer's fees with regard to the criminal charges against her. At the end of the three months the matter came up again before the Family Court judge who, with the concurrence of the social worker, terminated the order and gave custody to "K's" mother. The file was then closed.

Shortly thereafter "K's" mother moved to Edmonton from Calgary and there was no further contact until April when "K" was killed by one S. who was babysitting the child. It appears that the child had before her death contracted a painful abdominal condition that would have made her cry a lot. Possibly this angered S. and he beat her to make her stop crying and, in any event, the beating killed her.

This case was the subject of headlines and criticism of the department and the Family Court judge. The criticism was mainly that the child should not have been returned to her mother because of her known way of life. We think this is a moralistic criticism. All the evidence available to the department and the judge indicated that the mother was looking after the child well up to the time of the decision to let her have her child back. There was nothing on which to base keeping the child from her other than the mother's way of life and there was no evidence that that was affecting the child. Furthermore, the mother moved from Calgary where she had been living without letting anyone know where she had gone so that there was no means of following up had anyone thought it necessary.

Under the circumstances we feel that any criticism of the department or the Family Court judge in this matter is unjustified. In fact, the handling of this case by the social workers was, in our view, exemplary. Steps were taken to preserve the connection between the child and her mother. The Family Court judge rightly wanted to put the child back with her mother. It may be that it was only her unforeseen illness that led to her death at the hands of S. The real question is, "Should the children of all prostitutes be apprehended?"

CASE OF "C" AND "D"

The next specific case to which we were referred is that of "C" who was killed on March 12, 1981 at the age of nine years. He was a native child, a permanent ward who had been in the same native foster home for seven years.

The boy "D" who killed him was a few months older, also a foster child who had become a temporary ward in 1972 and had been in one foster home until 1975 when he had been moved to the same foster home where "C" was. He remained there until the date that he killed "C" . The foster parents were this latter boy's aunt and uncle.

The boys, "C" and "D" , attended school together. Likely "C" was smarter than "D" . They were thought to have been good friends and got on well together. It appears from what he said since that "D" saw himself as a failure in school and some time before he killed "C" he made up his mind to do so. This was not detected by the foster parents, nor by any school teachers. The boys came home from school on March 12, 1981, changed clothes and "D" got a rifle and ammunition and went out into the yard. The foster parents were not at home. They had gone to town for the day. "D" fired three shots in the yard and it appears that "C" then came out from watching television and began teasing "D" and "D" shot him. Then he got a knife and stabbed "C" several times and hid the body.

This case was not the subject of publicity, nor was there criticism of the department. It was referred to us by the department because it was a case of one foster child killing another.

We can find no indications of any basis for criticism of social workers or foster parents in this case. It was an entirely unexpected event. It occurred before the Ombudsman's recommendations concerning gun control in foster homes were known.

Because of the length of time these boys were in care we took occasion to examine the file in detail from the beginning.

Both boys' mothers were unmarried parents who were alcoholics. They had children and then neglected them with the result that the children were apprehended and eventually became wards. A brother of "C's" is in care or adopted in the United States. A sister and another brother are in care in Alberta. In fact the brother was in the same foster home where "C" and "D" lived. It appears that "C's" mother was a difficult person. At one stage the foster parents talked of adopting "C" but when his mother heard about it she created such a fuss that the plans were abandoned and it was decided to continue him in care as a permanent ward and leave him with those foster parents.

The file shows that this foster home was monitored regularly and that the foster children were checked regularly by a social worker. At one stage shortly after "C" went to that foster home the foster father had some employment problems, lost his job and then began to drink. There was serious consideration of closing the foster home. However, the foster parents straightened up, the drinking moderated or stopped. In fact in 1978 these foster parents were given a citation for having maintained a good satisfactory foster home for five years. The file shows that before this became a foster home there was an initial study. There are annual evaluation sheets covering annual evaluations of the foster home. We mention this because, although a tragedy occurred, the file indicates a well maintained foster home and an adequately inspected one. It appears that the social workers involved carried out their duties throughout.

CHAPTER 14

GUN CONTROL

The next specific reference with which we wish to deal is the Ombudsman's recommendation concerning gun control. It was referred to us for comment and reads as follows:

> "The department should ensure that firearms owned by foster parents are locked and stored in such a manner that they are separated from the ammunition, used in conjunction with them, and that neither of these objects can be handled by their own children, or by children in their care."

That was made in his report of March, 1981 on the Foster-Care Program.

In that report he refers to a shooting death, that of a six year old foster child who was killed by a gun in the hands of a fifteen year old natural son of the foster parents. It appears the gun was not where it was normally kept and as it turned out was readily accessible to children. The Ombudsman refers to the fact that the fifteen year old had a history of emotional and drug problems, but it does not appear that that aspect is relevant to the gun control recommendation or the accessibility of this gun.

Since that report there has been another occasion of a foster child dying through shooting. That was a case of suicide and is the subject of another report by the Ombudsman. In that case, the boy who committed suicide went to considerable lengths to circumvent the gun controls that were in effect in that foster home.

The third case of the shooting death of a foster child that we have considered is the one mentioned above, that of "C" . There it appears that the gun and ammunition were readily accessible to a child. However, we cannot say that this death would have been prevented had the gun and ammunition been locked up because to make sure he was dead his killer got a butcher knife and stabbed "C" several times. Furthermore, we learned that some two weeks before, "D" took a knife to school with the intention of killing "C" .

To sum up, three deaths by shooting were brought to our attention. In the case of the six year old, that death probably would not have occurred if there had been a gun control regulation and if it had been complied with. In the case of the suicide, the gun control regulation was in effect and it was circumvented by the suicide. That death was not prevented by the regulation. The third death might have been prevented if there had been such a regulation and if it had been complied with. It is not, however, clear that that would necessarily be so because of the use of the knife and because of the intention earlier to use the knife.

Of these three deaths the suicide occurred even though the gun regulation was being observed. The six year old's death would certainly not have occurred if the gun control regulation had been in effect and obeyed. "C's" death might not have occurred if the regulation had been in effect then, but this is not certain.

Those facts do not indicate an overwhelming case for adoption of the gun control regulation. Arguments have been advanced against it. It is said that in many rural foster homes rifles need to be readily available to deal with predators. It is further argued that the use of rifles around farms is part of the way of life and children learn to use and respect them and foster children should learn the same. It is also suggested that if the regulation is enforced many foster parents will retire. In fact, some foster parents have objected to the regulation but the number is not large.

There are many things around the home that can harm or kill a child: for example, knives, tools, rope and poison. However, guns are more easily operated and frequently more disastrous in effect than the other household dangers. There is the further factor that a gun is an attractive thing to children. A further consideration is that most foster children, if not all, are living under some emotional strain if for no other reason than that they have been taken from their homes.

When we recall that the foster child has a right to life and personal security and it is the duty of the person standing in the shoes of his parent, in the case of wards the department, to protect those rights, then the department must take all reasonable steps to do so. It is the party that makes the contract with the foster parents and it has the right to impose whatever conditions it deems necessary. If the foster parents are not prepared to accept the conditions imposed then they need not agree and can cease to be foster parents. It appears to us that the proposed gun regulation is a reasonable precaution for the protection of foster children. On the other hand, we would not consider it reasonable to ask the foster parents to regulate the storage of kitchen knives unless there was actual information that indicated that with this foster child that posed a particular danger. We, therefore, agree that the regulation as proposed by the Ombudsman or some similar regulation to ensure that guns and ammunition are stored safely in homes where foster children live is a reasonable one and ought to be adopted as a condition governing every foster home.

Before leaving this topic, we should point out that the question of gun control in foster homes has not arisen in any other province or jurisdiction that we looked into. Perhaps there is no similar problem or perhaps in other jurisdictions it is felt that similar events do not warrant this reaction.

CHAPTER 15

The Case of "A"

The next specific matter we wish to deal with is the case of "A" who was born February 10th, 1980 and was killed by his father on May 23rd, 1980. At the time of his birth his mother, "M" , was aged 17 and his father, "L" , was aged 26. Both had in the past been patients in the Alberta Hospital. They married July 14th, 1979 after both had been released from the Alberta Hospital.

This case is significant because there was an apprehension by a social worker, there was a difficulty finding out the mental health histories of the parents, there was a court hearing, there was return of the child to the parents under a supervision order. The Ombudsman reported at length on this case in his report on foster homes, although we can see little or no connection with any question of foster homes. The Ombudsman was harshly critical of the social worker and he made some recommendations concerning the role of the social worker that we think are unwarranted.

"L" had been tried for the attempted murder of his brother and was found not guilty by reason of insanity. He was then placed in the Alberta Hospital under a Lieutenant Governor's warrant. He was there from the end of November, 1977 until

October 11th, 1978 when he began working outside the hospital and in January of 1979 he was granted indefinite leave of absence. He had employment up until about December, 1979 when he was laid off due to no fault of his own.

"A's" mother was also a patient at the Alberta Hospital. That is where the parents met. She was in the hospital because of severe anti-social behaviour. This was shown in the fact that she hid from people and on occasion had attacks of violence. She, too, was released from the hospital some time prior to their marriage in 1979.

A few days after "A" was born at the Royal Alexandra Hospital in Edmonton, the hospital social worker reported to the department that in her view "M" was not fit to look after "A" . She did not know how to look after a baby and was rough and the hospital social worker felt that "A" would be in a dangerous situation if the person who was looking after him was "M" . The department named a social worker who was to take charge of the case.

This social worker was new to child protection, having had about one month's experience. She attended at the hospital and on the basis of information given her by the hospital social worker she apprehended "A" leaving him at the hospital and making arrangements for him to go to a receiving home when he was ready to leave the hospital. She learned that both parents had a history of mental health problems and endeavoured to find out more details from the Alberta Hospital authorities. They refused to give details, saying that the information was confidential and they could not release it.

On February 15th the two social workers met with the parents. The department social worker explained the reasons for the apprehension and served notice on the parents that an application would be made in court for a declaration that "A" was a child in need of protection. The department social worker suggested that it would be necessary that "A's" parents have a homemaker in their home."A's" mother flatly disagreed with that. At this time the department social worker obtained written authorization from both parents to obtain details of their mental health histories at the Alberta Hospital. In the meantime, the date for the hearing in court was set at March 3rd.

By February 20th it had been ascertained that "M's" stepmother would be willing to have "M" and the baby in her home and would be willing to help "M" to learn how to look after the baby. It was suggested then the child could be returned to the parents under a supervision order, providing:

1. That "M" would go to live with her stepmother for a month where she would learn how to look after the child.

2. There would be continual contact with Alberta Hospital with weekly reports to the Social Services social worker.

3. The parents would agree to take a parenting course after the one month with the stepmother.

No agreement was reached then. In the following week the department social worker received written reports concerning the mental health of both parents. In the report concerning "M" it was stated:

> "It is the opinion of the treatment team on the unit that "M" is capable of learning the skills necessary to care for her child, "A" . However, she has never experienced a caring home. If she and "L" were to become involved in parenting courses and elicit the assistance of a homemaker perhaps they would be able to learn to become capable parents."

With respect to "L" , after recounting his history, it was reported that he was presently receiving medication of two types: an anti-depressant to keep his mood stable and prevent depression and he also received a tranquilizer for agitation. The report went on that "L" was quite a responsible individual who ensured that he attended at the appointed times for interviews. He was presented as being stable and had not presented a management problem to the mental health follow-up team. The report relating to "L" stated:

> "I believe it is extremely important that the family receive very intense supervision and ongoing assessments with respect to their ability to properly care for the child. Whatever action you are recommending to the courts, it is my hope that child welfare would remain involved with this family in order to detect any irregularities that may occur in the parenting of this child."

On February 26th the department social worker conferred with the supervisor of Social Services at the Royal Alexandra Hospital and with two members of the nursing staff. The final remarks of the nursing staff were that the child would be at risk unless "M" had 24 hour supervision initially.

The department social worker then consulted with her supervisor, conveying all the information she had obtained. It was decided that they would attempt to arrange for return of the child to his parents on three conditions:

1. That there be 24 hour a day supervision of the care of the child for one month.

2. That both parents be involved in an extensive parenting course.

3. That there be weekly contact between the Department office and a mental health community nurse involved with the family.

The following day this proposition was put to "A's" parents and "L" refused to agree. The court hearing was adjourned from March 3rd until April 11th. In the meantime, the child was in a foster home and then back into hospital as he had not been doing well.

A department lawyer was appointed to handle the application on April 11th. The social worker saw the lawyer on April 8th and advised that since the parents would not agree to a supervision order there was to be an application for a temporary wardship order. The social worker felt that the chief issue was the ability of the mother to learn how to and then to look after her child. She felt that both parents lacked parenting skills and there was the added difficulty that there was some health problem with the baby. She did not think at that time that the lengthy mental history of the parents was an issue.

On April 11th the matter came on before a Family Court judge, but by then the parents were represented by counsel who agreed to the proposed conditions of a supervision order. The court was advised of the agreement and of the conditions of the proposed order. Counsel for the parents expressed agreement with this proposition. The judge then asked for evidence concerning the apprehension. The department social worker was sworn as a witness and testified that the apprehension was done because the hospital staff felt that the baby would be at risk unless the mother's handling of the child was completely supervised. That apparently was sufficient for the judge to decide that the child was in need of protection and that he thus had jurisdiction to make the proposed supervision order. The judge was asked if he wanted to hear any further evidence subsequent to the apprehension and he said no. He asked counsel for the parents to comment and that counsel gave an explanation of "M's" behaviour at the Royal Alexandra Hospital, which behaviour had brought about the apprehension. The judge then ascertained from the stepmother, who was in court, that she was willing to supervise "M" and the baby for one month. He then found the baby had been properly apprehended and made the proposed order.

"M" then took the baby to her stepmother's for one month. A social worker checked periodically at the stepmother's and ascertained that the baby was doing well. At the end of the month "M" came back to her own home to live with "L" . That was on May 16th.

The file was then transferred to a social worker in a Family Service unit. This social worker visited them on May 20th, found the baby well and apparently in good health. "L" had kept a diary of the baby's progress which he showed to the social worker. He further advised that he had been seeing the mental health nurse to whom he was to report weekly and confirmed that he was taking his medication as prescribed. There was discussion concerning starting to attend parenting classes and "A's" parents did attend a parenting class on the evening of May 20th. On May 23rd "L" killed his son.

"L" was charged with murder. The case attracted a great deal of attention in the media. The Family Court judge who had given the supervision order was interviewed by the media and indicated that had he known more about the mental health background of "L" he would not have granted the order, thus implying that he had not been given enough information. This, of course, is the wisdom of hindsight.

This case highlights a number of specific problems that can arise in child protection matters. The specific problems here may be of assistance to us in considering the overall general picture.

The first step in this procedure was the apprehension of "A" when he was four or five days old. That effectively took him out of the custody of his parents although he remained in the hospital for some days after the date of the apprehension. Then he went to a receiving home. A date was set to bring the matter before the court some 17 days later, but within the 20 day period provided in the Act. In fact, no court considered the reasons for the apprehension or the merits of it until April 11th, some 56 days after the event. This is neither unusual, nor in breach of the legal requirements.

Even then that serious step was only given cursory consideration. By that time the principal application to the court was to approve a supervision plan under which "A" would be returned to his parents. However, before the court could make such an order, the law required that there be a finding that "A" was a neglected child. To do that some evidence of neglect was needed - not a lot - but enough to give a basis for making the finding. That is what the court asked for and got. It was not an inquiry into and ascertainment of the facts as required by section 10(3) of the Child Welfare Act. It was only an ascertainment of enough of the facts to give the court jurisdiction to make the proposed order. If the apprehension was valid, the court had jurisdiction. The mental health of "L" was not an issue in the apprehension.

The Act clearly puts the duty of inquiry and ascertainment on the judge. It is not good enough to say afterwards that had he known the other facts he would not have granted the order. He had the duty to find out and he did not. Whether that duty should be so imposed is another question we will discuss later. Whether the disclosure of all facts then available would have resulted in a different order, we doubt.

It is unfortunate that there was a press interview. Judges should not attempt to explain or qualify decisions they have given. The situation before this judge was that a lawyer for the Director of Child Welfare, representing the interests of "A", applied for approval of a plan. The lawyer representing the interests of the parents agreed to it. The judge relied upon the expertise of the social workers involved who had investigated the matter and had reached a decision as to how best to restore "A" to his family. If the judge had obtained all the information that was before the social workers, he would have had to apply his own expertise in the area of social work or rely upon the opinions of the experienced social workers before him. Since judges are not trained in the area of social work it is more likely that he would have relied upon the opinions of the experienced social workers. After all, that is what judges ordinarily do. They rely upon the opinions of experts in specialized fields unless, through experience, a judge has become more expert in a specialized field than the specialists before him. It appears that had the judge made a full inquiry, the decision would still have been the same.

The social worker who proposed the plan for "A" had discussed it with her supervisor, an experienced social worker. They apparently adopted the principle that it is best for a child to be with his own family. However, there we are guessing. It may be that they were adhering to the principle that the parents have a right to custody of their child as being the first principle to be considered. In either case these are principles that have been recognized as acceptable in the past as the basis for decision. We stated earlier that the first two rights of a child or indeed any human being are the right to life and the right to security of the person. In the present case it was accepted that because of his mother's incompetence, "A" rights to both were endangered. That was the basis of the apprehension. Had that been considered separately by a court, the issue would have been, as it was determined, that "A" was a neglected child because his mother constituted a danger to him. We suggest that once such a determination has been made the onus should lie on the parents to establish positively that the situation has been changed so that the child is no longer threatened.

In this case there was the initial inability to obtain information concerning the mental health of the parents. This was due to the law concerning confidentiality of information. That situation did not prevail because permission to obtain the information was eventually extorted from the parents. In the circumstances that was a case of putting the onus on the parents to show their good mental health if they could.

The Ombudsman was critical of the first department social worker in this case. He said that she had misled the court in not revealing to the court "L's" psychiatric history. She was a witness in the court proceedings and answered the questions put to her. It is not the role of a witness to introduce evidence unless asked. It is the role of counsel to lead the relevant evidence. The Ombudsman seemed to think this duty devolved upon the social worker because he assumed that she was an officer of the court with certain duties of disclosure to the court. That assumption is wrong. A social worker is not an officer of the court. Therefore, the condemnation of her for failing to observe the responsibilities of an officer of the court was unfair and unwarranted.

This does not mean that we condone the withholding of relevant evidence from consideration by the court. In the normal court situation counsel has a responsibility in that regard. However, as we pointed out above, the Child Welfare Act puts the duty of inquiry and ascertainment of fact on the judge, not counsel, so that to some extent inexperienced counsel may consider themselves relieved of the ordinary duty of making full disclosure of all relevant facts. However, the problem is further complicated by the fact that the question being put to the court in this case was not a question of law but essentially a question of a rehabilitation program which had already been decided upon by the social workers and all that was being sought was the rubber stamp of the court. This is a misuse of the court function. In fairness we should point out that the record shows that counsel for the department did ask whether the judge wanted to hear evidence regarding matters after the apprehension and the judge responded in the negative.

Our inquiry into this aspect has indicated that the social worker from Alberta Hospital, as well as the Department social workers, did not consider the psychiatric situation to be an issue because they were satisfied from inquiries of "A's" parents "L" was taking his prescribed medication and was attending regularly at group therapy sessions. After the tragedy, both parents indicated that "L" had in fact not been taking the medication and had had violent episodes. Whether or not this was true, it would appear that in any event it was something that could not have been ascertained by anyone concerned. It is for this reason that we believe that the Family Court judge's order would have been no different, had the psychiatric history as then known to the social workers been revealed.

CHAPTER 16

"B's" CASE

Another case that was referred to us by the Minister was that of "B" . He was born November 4th, 1970 and died January 20th, 1980. He died as a result of injuries received in a foster home where he had been placed by the department. The injuries may have been administered by a natural son of the foster parents. While there is no suggestion of racism in this case, nevertheless it is the fact that "B" was an Indian and he had been placed in a white foster home.

It appears that "B's" father assumed little responsibility for the family and that he and "N" , "B's" mother, were alcoholics for a long time. They lived on an Indian reserve. The earliest report in the file indicates that "N" came to the attention of the department for neglect of children as early as 1972. It appears that in the period up to 1975, when "N" was incapable of looking after the children, members of the extended family did. In 1975 "N" moved to Edmonton, stopped drinking, got her children to come to live with her in Edmonton and the Department of Indian Affairs, through one of its social workers, was looking after the situation. The Department of Social Services closed its file.

In early 1978 "N" was back on the reserve with the children. She had resumed drinking and at times throughout that year was incapable of looking after the children. During these times "B" was placed with a married sister until his mother sobered up. It was then that it came to the attention of the social workers that "B" had a hearing problem. This arose from an illness when he was quite young. His mother said that she had intended to take him to see a specialist but she never got around to it but that she would do so soon.

In September, 1979 the social worker found "N" intoxicated and unfit to look after the children. Some of the children were placed with a married sister but "B" and his younger brother could not be placed there so they were apprehended and placed in the foster home. There were no Indian foster homes available and no relatives available to take the boys in. The foster home where they were placed and where they stayed from then on was the only foster home available in the area anywhere near the reserve where they were willing to take Indian children with added problems.

On November 6th, 1979 an application for temporary wardship of the two boys was made. "N" was present in court and agreed to it.

After he was in the foster home, "B" was taken by the foster parents to the Charles Camsell Hospital in Edmonton where his hearing disabilities were studied. It was determined that an operation might improve his hearing. Tentative arrangements were made to have the operation some time early in the following year - 1980.

The file had been transferred to another social worker in October, 1979 and that social worker continued on the file until "B's" death. During that period the foster parents had difficulty with "B" and his brother in matters of discipline. The children would steal, they ran away, they were infested with lice and "B" was having difficulty in school because of his hearing defect. The social worker visited the foster home and talked at length with the boys. The social worker did not visit the home regularly but he was in frequent contact by telephone with the foster mother. On January 14th, 1980 "B" deliberately urinated on the bed three times. He was spanked by the foster mother using a belt. However, spankings did not seem to change him.

On January 17th, in the morning, "B" fell downstairs and hit his head. He went to school that day and after school he was back at home. The nine year old natural son of the foster parents took it upon himself to discipline "B" and struck him a number of times knocking him down. His head struck against the cupboard or the floor. He became unconscious. The foster parents took him to Edmonton where he died of a brain hemorrhage on January 20th.

This file reveals a number of problem areas. The first is the division of responsibility between the provincial authorities and the federal authorities. Sometimes this family was the responsibility of the one and sometimes of the other, with a possible lack of co-ordination between the two. The next point that was illustrated is the use of an extended family which is urged so much on behalf of native people. That approach was used for some time until the supply of extended family members ran out. There was no native resource available on the reserve. During those years "B" was suffering from a serious hearing defect. Nobody did anything positive about it until he was taken into foster care when the foster parents did have him examined and made tentative arrangements for an operation.

There are complaints that native children are being placed in white foster homes. In this case that was done. There was no native foster home available in the vicinity.

It appears that this foster child presented problems in health, discipline and training that were beyond the capabilities of the foster parents. The problems presented here called for a specialized foster home with personnel capable of dealing with these problems. We do not know that one was available. On the other hand, it was hoped that the boys would be able to return home to the reserve and indeed in January, 1980 the expectations were that that would occur in the next couple of weeks.

This foster home was one in which corporal punishment was used as a disciplinary measure. It may well have been beyond that which was reasonable under the circumstances. There was no policy about this enunciated to the foster parents. Their son, quite possibly having observed the administration of physical punishment, considered it his right to do likewise. Following our recommendations about physical punishment may help to avoid future similar situations.

CHAPTER 17

CORPORAL PUNISHMENT

The next recommendation of the Ombudsman that was referred to us and which we wish to consider now is as follows:

> "The question of corporal punishment has surfaced often in my case studies. Management must ensure that there is a clearly understood policy on corporal punishment and workers must ensure that they are monitoring foster homes for signs of such physical abuse."

In our view, that statement taken at its face value is so self evidently true that there need be no further discussion. However, we believe it was referred to us not for that reason at all but to see if we were prepared to make any suggestions on a policy that ought to be adopted.

The criminal law and the Child Welfare Act both deal with the question. Criminal law deals with the crime of assault. For the purposes of this discussion, the essential parts of the assault section, being section 244 of the Criminal Code, are:

> "A person commits an assault when without the consent of another person...he applies force intentionally to the person of the other, directly or indirectly."

The criminal law makes an exception to the broad terms of that section in the case of parents or persons standing in the place of parents with respect to force applied to children. It is section 43 and reads as follows:

> "Every school teacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances."

Thus, any adult who intentionally applies force to the person of a child without the child's consent commits the crime of assault unless he is a teacher, parent or person standing in the place of a parent and the force is by way of correction and is reasonable under the circumstances. In addition to the criminal law, the Child Welfare Act of Alberta provides in section 38 that:

> "A person who has the care, custody, control or charge of a child and who (a) ill treats, neglects, abandons or harmfully exposes the child, or (b) causes or procures the ill treatment, neglect, abandonment or harmful exposure to the child, is guilty of an offence..."

Under that section, in order to succeed in a prosecution, it would have to be proven in a case of physical force that the person who has the care and custody of the child ill treated the child. That is a vague term and possibly imports a greater degree of severity than the assault section of the Criminal Code. In any event it is not as precise as the assault section and would, we think, be more difficult to prove in the context of corporal punishment. We believe then the best test under the law where physical force has been applied is, does it fall within section 43 of the Criminal Code? That is, was it reasonable under the circumstances?

The opponents of physical punishment of any kind argue that physical punishment all too often becomes physical abuse and therefore, to prevent physical abuse all physical punishment ought to be prohibited. Such a prohibition would not be in accord with the law of the land. However, we could revert to the argument raised in the gun control discussion, that foster parents and indeed operators of institutions, etc. are contractors and the department can impose conditions prohibiting any physical punishment whatsoever. If that were done that would lay the foundation for a civil action for breach of contract if physical force were used in correcting a child in contravention of a term of the contract. A more practical remedy may be to use the breach as the basis for terminating the contract. It would not expose the foster parent to prosecution under the Criminal Code and we doubt that it would expose him to prosecution under section 38 of the Child Welfare Act. We think imposing such a condition would be impractical and unenforceable. Unenforceable rules breed contempt for the rule maker.

Physical abuse by a foster parent certainly gets a lot of publicity but we think the incidence of physical abuse is more prevalent among the natural parents than foster parents. Of course, that is no argument that because natural parents do it foster parents should be able to do likewise. The truth is neither class of parent is permitted to commit abuse.

It is further suggested that the permitting of any physical correction all too often leads to physical abuse. Therefore, in order to prevent the latter, the former should not be permitted. The argument is that since it is difficult to prevent intemperate physical correction, the only way to prevent it is to forbid all such correction, whether temperate or intemperate. It is the old argument that if you cannot enforce temperance then bring in complete prohibition.

In our view, complete prohibition would be unenforceable. There would be many breaches of it or foster parents would refuse to have foster children under the condition that they could not physically correct the child under any circumstances. It would be particularly difficult for foster parents to make such an agreement with regard to a foster child if they had children of their own whom they were from time to time correcting physically.

One can point immediately to the situation where a very small child does a dangerous thing or puts himself in a position of danger. He does not and cannot understand the danger of what he has done, but for his own personal security he must be stopped from doing it. It seems to us that some physical punishment in the nature of a deterrent is necessary in that circumstance. There is the added problem that some foster children are emotionally disturbed and even violent. Physical force may be necessary to prevent them harming others or themselves. For all these reasons then we cannot subscribe to a policy of complete prohibition against any physical correction of a foster child by a foster parent.

We do agree, however, that it is necessary that there be a policy concerning physical punishment of foster children by foster parents. This policy has to be in conformity with the law, that is, that the punishment must be reasonable under the circumstances. We do not propose here to work out a set of rules for guidance of foster parents and social workers. We do believe, however, that it is possible to work out such a set of rules. Beatings of foster children or natural children would be unacceptable. We think, however, that in special circumstances such as emotionally disturbed or violent children, perhaps a set of rules concerning control of the child might have to be worked out on the spot between the social worker and the foster parent, having regard to the circumstances that are presented by the emotional disturbance and violence of the child. In this regard we have recently seen a Canadian book on the subject which has the advantage of taking into account the provisions of Canadian law. The book is "Two Hugs for Survival" by Dr. Harold A. Minden, a Professor of Psychology at York University in Toronto. It appears that that would be a useful text to use as a guide in drawing up a set of rules concerning corporal punishment for children in care. We refer particularly to Chapter 8 of that book at p. 131.

> "Note: a physical beating which injures a child is abuse, not punishment. A spanking is not the same thing as a beating. A parent who causes anything more serious than brief pinkness and a stinging sensation has committed a serious offence against his or her child. A parent who repeats such an offence should seek professional help immediately."

To sum up:

1. Physical punishment should never exceed the limits imposed by the law. 2. Rules should be prepared for the guidance of foster parents. 3. Other less severe disciplinary methods should be suggested by social workers. 4. Special rules may need to be agreed upon by the social worker and foster parents for difficult children. 5. A spanking is never the same as a beating. 6. Physical punishment of an older child is usually futile.

CHAPTER 18

REPORTING CHILD ABUSE

In 1973 the legislature enacted ss. 3 of s. 41 of the Child Welfare Act. This sub-section provides for a fine of up to $500.00 and up to six months imprisonment for anyone who fails to comply with ss. 1. Sub-section 1 makes it an offence for anyone to not report a case of ill treatment of a child if that person has reasonable grounds to believe and does believe that a child has been ill treated. The penalty ss. 3 has never been proclaimed and therefore is not in force as law.

The Ombudsman has recommended that this sub-section be now proclaimed, but with a significant increase in the possible fine. The Minister has referred that recommendation to us for review.

The Ombudsman in his report says that because s. 41(3) has never been proclaimed, there is no penalty that could be imposed for non-reporting as required by s. 41(1). With respect, we find that statement is not correct. When a provincial statute makes no provision for a penalty for an offence created therein, then the general penalties section for summary conviction offences provided in the Criminal Code applies. This is by virtue of provisions in the Summary Convictions Act of Alberta. The penalty section that is applicable is identical in wording and terms to the sub-section that has never been proclaimed. It follows that there is no need to proclaim that sub-section. The argument advanced in support of proclaiming the sub-section is ill-founded.

We understand that some may be misled into thinking that there is no penalty because ss. 3 is not in the Act. Therefore, we have no objection to it being proclaimed as it was passed. Increasing the size of the penalty is not necessary. We believe there never has been a prosecution under this section, so we do not know that the penalty is so small as to not be a deterrent. We think the real deterrent in this section for professional people is that a conviction might well jeopardize their license to practice. That would be far more serious than any monetary penalty. Since the Ombudsman's recommendation the Child Welfare Act has been revised and sections renumbered. Section 41 in the old Act has now become s. 35.

It is not surprising that there has never been a prosecution under s. 41(1), now s. 35(1). We think that a successful prosecution would be very difficult indeed. In addition to proving that the accused had reasonable grounds for his belief, it must be proven that the accused did in fact believe that a child had been ill treated. In the absence of a confession, how can what a person actually believes be proven?

Sub-section 2 of that section purports to exonerate anyone having received confidential or privileged information from any action for breach of confidentiality or violation of privilege if he uses that information to report in compliance with ss. 1. If the use of the word "privilege" there is meant to do away with the privilege that is given to communications between a client and his lawyer, it may not be enforceable. Whether it is or not is less important than that the privilege be preserved. It is a fundamental right. If it were taken away anyone who feared that he might possibly have been guilty of ill treatment of a child would not be able to consult a lawyer to find out his legal position. That situation would not advance the detection of instances of child abuse and would inhibit remedial action. In fact, it would have the opposite effect and make remedial action more difficult. For example, if someone accused of abuse can freely discuss his case with his lawyer, that may result in a guilty plea and immediate steps to prevent a recurrence. If he cannot so consult, the process may go on and on with possibly further trauma to the child and no remedial action at all.

We, therefore, believe that s. 35(1) would be enforceable if the words "and believes" were deleted. In ss. 2 we believe that the words "or privileged" should be deleted for the reasons we have just discussed. We sum up by saying that ss. 3 could well be proclaimed as it was passed and that sub-sections 1 and 2 be amended as we have suggested.

This brings us to a consideration of sections 41.1 and 41.2 as they were. In the 1980 revision of statutes they became sections 36 and 37. The Ombudsman describes them as a statement of policy by the Legislature requiring the creation of a registry in which to record all reports of child abuse received pursuant to s. 35(1), formerly s. 41(1) and requiring that any necessary further investigation be made.

In the course of our hearings we proceeded on the assumption accepted by most writers of briefs and by most witnesses that the Child Protection Registry was desirable. The only comments about it were that it needed to be better maintained with all information being recorded on a computer so that there could be speedy access to that information.

Late in our hearings a very knowledgeable and experienced witness told us the maintenance of a Child Protection Registry was a waste of time because it did not do what people thought it could do - protect children. Upon hearing that, we went back to the Ombudsman and other supporters of a Child Protection Registry and asked why they thought it was a good thing to have.

It turned out that most of the proponents thought it would aid in the detection of child abuse. Thus, if a child were brought to a hospital with suspicious injuries, it was suggested that if it could be ascertained that the child had been abused before, that would confirm that the present injuries were the result of abuse. We do not agree with that reasoning. You cannot say X injured his child once; X's child has been injured again; therefore, X injured the child the second time.

We do concede that similarity of circumstances and the involvement of the same persons may increase suspicion. If knowledge of the previous circumstances is available and increases suspicion in the present circmstances, that should prompt more thorough investigation of the present circumstances. If the more thorough investigation does in fact reveal a case of abuse, the authorities will do something about it which should prevent further incidents of abuse. To that extent, and to that extent only, knowledge of a previous similar incident may prompt a more thorough investigation and if present abuse is found future abuse is less likely to occur. Therefore, we approve of the central recording of possible abuse and the making available of this information to those needing to know for the purpose of protecting a child.

The people involved in this work call the process "tracking". This does not mean tracing or following children as they move around. What it means is that if they have moved and there is an occurrence that comes to the notice of the department, the investigating social worker will be able to find out by reference to the registry that this is not the first suspicious circumstance. Thus, the investigation will be prosecuted with more diligence perhaps and that will be a warning to keep an eye on this situation. To that extent it increases the chances of protecting the child.

An actual instance may illustrate the limitations of the registry. During the period 1980 to 1983, a case of suspected child abuse arose near High Level. The R.C.M.P. made inquiries but there was not enough evidence to justify charges being laid. The suspect and his wife and child shortly thereafter moved away. The information concerning the incident was duly recorded in the Child Protection Registry. About a year later the family was living in the Drayton Valley area when the father did indeed abuse the same child by seating him on a hot stove. This was clearly abuse and charges were laid which led to a conviction. The information on this one also went to the registry where it was discovered that it was the same alleged perpetrator and victim as at High Level. The point is that the presence of the old information in the registry did not and could not prevent the second occurrence which was indeed abuse.

Another argument is that the Child Protection Registry becomes a reservoir of statistics that will help in research. Then to the extent that research leads to answers in the field of child abuse, that will constitute protection to future children.

Having received these arguments, we attended at Central Office of the Branch where the computer records are kept. We found that in fact there are two sets of computer records. There is the client index which records information concerning all children with which the department is concerned, including those who have been reported as having been abused or neglected. There is the second computer record, a Child Protection Registry, which contains information concerning children who have been the victims or alleged victims of abuse or neglect. The information recorded in this registry is only that required by the statute. The information contained in the registry is that the child was alleged to have been a victim of a described type of abuse or neglect and the name of the alleged perpetrator or perpetrators is given. The result of the investigation is given; that is "confirmed", "unconfirmed" or "unfounded". The client index has the child's name, full details about the child's family and so forth, but the only indication in that index that a child is alleged to have been a victim of abuse or neglect is an "alert notification" which is an indication to the reader that there is an entry concerning this child in the Protection Registry.

Anyone having a right of access to the Child Protection Registry cannot go directly to it. They must first go to the client index and then the next step is to get to the Child Protection Registry for information. There is no practical reason for maintaining a separate protection registry. The information contained therein could be put in the client index. Technical developments have made the maintenance of a separate registry pursuant to s. 36 obsolete. The same results can now be obtained; that is ready identification, cross-indexing and so forth by adjustments to the client index system.

Prior to the Ombudsman's Report in March of 1981, the Child Protection Registry was kept on index cards done manually. The client index consisted of files. There had been a program planned to record all the child welfare files on computer records, but this had been moving along at a slow pace because funds were not being provided. When the Ombudsman's Report came out, there was a sudden rush to speed up the whole process and to give priority to the computerization of the Child Protection Registry because that was the prime object of the Ombudsman's criticism. Besides being a smaller amount of information it could be more easily done. Accordingly, there was a crash program to computerize the Child Protection Registry, but simultaneously all child welfare files were being computerized in the client index system. The situation now is that there are two computer records of an abused or neglected child when only one is needed.

Whatever arguments were advanced in support of a Child Protection Registry separate from the general files of the child welfare system, those arguments seem to have lost any force. The same information can be in the client index system and more information would be available there than in the protection registry system. With the information being computerized we think it takes no longer to obtain information from the client index system than it does from the protection registry system. Therefore, it appears to us that the continued maintenance of a separate Child Protection Registry as directed in sections 36 and 37 of the Act is an unnecessary duplication and an unnecessary expense. We would suggest the repeal of s. 36 and the amendment of s. 37 to provide on the computer record for separate identification of abuse and neglect reports as they come in and for the appropriate action and response to them. Access to this portion of the client index will be restricted to those in the department requiring this information to be dealt with in accordance with section 3.

A serious problem has apparently arisen in Ontario where the legislation requiring reporting of abuse and neglect cases also provides that an alleged perpetrator must be advised that he has been so identified and that if he maintains that the allegation is not true, he may apply to the court for an order to have his name expunged from the register. This legislation has had two unfortunate results. The first is so many applications to the court that the department has ceased opposing them. The second result is that potential reporters such as doctors, nurses and so on are realizing that subsequently they may have to be involved as witnesses in expungement proceedings and decide that they will not make reports any more and, therefore, the legislation is counter-productive. There is no reason to suppose that the incidence of child abuse and neglect has gone down in Ontario but the reporting of it has. We mention this at this point to warn against any similar legislation being passed in Alberta because some officials in the department seem to think that already there is a duty to notify alleged perpetrators that they had been so named.

It seems to us that mandatory reporting ought to be continued and encouraged. Allegations of physical abuse and serious neglect must be promptly investigated. If they are unfounded and cannot be substantiated that will be the end of that allegation. However, if a subsequent report comes in involving the same child and the same alleged perpetrator, the investigators need to know that there has been a previous similar allegation, which knowledge will no doubt affect the depth of their investigation.

The rationale for not recommending legislation for the expungement of an allegation that a person may be a child abuser is that this should be dealt with as part of the general problem of the contents of government records and legislation relating to access to them. This is not a separate child welfare problem.

CHAPTER 19

SOME APPLICATIONS OF THE ACT

We propose to discuss four cases that have recently been in the news. We think these cases illustrate how the Act is presently applied and possibly show some weaknesses in the Act and its application.

The first case is that of the "E" foster home and three children, "F" and his sisters "G" and "H" . These children were first apprehended in 1971. Their mother had left and their father had gone to jail. He got out of jail before the end of the year and successfully opposed an application for temporary wardship and got the children back before the end of the year.

In 1972 the mother came back and lived with the father and the children for four months but then she left. After that he took to drinking again and the children were apprehended in late 1972 or early 1973. Neither parent could be located until October, 1976.

In the meantime, an application for temporary wardship was adjourned repeatedly because no service could be effected on a parent. It appears that in October, 1976 service had been effected or dispensed with and all three children were made temporary wards for one year. This temporary wardship was extended from time to time, the last extension being in June, 1978 for one year. In the meantime, in November, 1978 the children were made permanent wards, thus terminating the temporary wardship.

When the Family Court judge extended the temporary wardship in June, 1978 he did so after being told that the mother was an alcoholic and the father was in jail for murder. He had also been told that the children had been in care almost continuously for the past seven years.

All three children were placed with the foster parents in the fall of 1976. They are still there. It is unlikely that they will ever be adopted. The department seemed to accept that this was a permanent foster home placement for these children as the "E's" were not in good enough economic circumstances to adopt the children.

Periodic inspections of the "E" foster home reported it as a good foster home. The social workers making these inspections and reports seemed to change about every two years. In the fall of 1981 there was a change in social workers and the new social worker reported that the "E" foster home was an excellent foster home. The report also states that "F" was "a real handful".

In February, 1982 "E's" asked the social worker for help. She had outlined a problem with regard to one of the children.

With that the social worker began to have grave doubts about the suitability of this excellent foster home. The social worker had psychiatric examinations, psychological testing and other things done and decided that Mr. and Mrs. "E" were not getting along and, therefore, were unsuitable foster parents and removed all three children from the "E" foster home, this being over the vehement opposition of Mrs. "E" particularly.

The removal of the children took place in June, 1982. The "E's" appealed from that decision of the social worker. Two officials of the Child Welfare Branch constituted an appeal panel. They heard the appeal and affirmed the decision of the social worker.

In the meantime, the "E's" had gone to the media and there was considerable publicity about this case. It was decided that there would be a further appeal to the Child Welfare Commission. In the meantime, in October, 1982 "H" fled from the foster home where she had been placed and returned to the "E" home. Officials of the department tried to get the "E's" to hand "H" back to them, but on the advice of counsel they refused.

At the end of October, 1982 the commission heard the appeal and decided that the actions of the social worker were wrong and that all the children should be returned to the "E's" . This has been done. In addition, it was recommended that a new social worker be assigned to the case, that there be regular monitoring of the situation and that the department pay all the expenses the "E's" had been put to in hiring a lawyer and a private social worker as an expert counsellor and witness. The children remain at the "E" home.

The "E" case illustrates progress to temporary wardship was delayed four years because disinterested parents could not be found. Permanent wardship was delayed until three years later because the court granted adjournments when a notified parent did not appear on a hearing date.

The case also shows the appeal procedure is not satisfactory. It allows for decisions to be made that may be politically expedient rather than in accord with principle.

The next case we would refer to is that of "O" , a 12 year old boy. He had a poor school report and his mother on Thursday, November 25th, 1982 punished him for it by striking him on the bare buttocks with a leather belt 25 times. Half an hour later she discovered that he had not done his spelling homework and she struck him again in the same manner. The following day the boy's physical education teacher saw bruises on "O's" buttocks and notified the school principal who in turn notified the child welfare authorities. That evening a child welfare worker telephoned the home stating he wished to come to see "O". The mother objected to that being done except in the presence of a doctor and took the boy to a hospital.

The boy was examined by two doctors at the hospital. One of the doctors then telephoned the Crisis Unit of Alberta Social Services to report the situation. A child welfare worker responded to the hospital that evening, interviewed the doctors and the boy and the mother. That child welfare worker said:

> "I don't doubt he deserved to be 'consequenced' for this but I feel he was assaulted rather than disciplined."

He told the boy that the discipline was excessive and that he was apprehending him, which he did. The child care worker then forbade any hospital visits by family until further notice.

The following day "O" was interviewed by a police constable. "O" gave a written statement to the police constable describing the punishment he had received. He concluded his statement with the written wish that he remain with his parents.

On November 29th the mother admitted to a district manager of Alberta Social Services that she had hit the child and claimed that it was her right as a parent. She went on to state the only reason she quit hitting him was that she was physically exhausted. She agreed that she and the boy would see a psychologist of her choosing. With this assurance, the district manager notified the hospital on Tuesday morning that when "O" was ready to be discharged he was to be returned to his mother. The district manager said:

> "It is my feeling that we should make every attempt to work with the family in the home setting."

as being the reason for that decision.

Two social workers visited the home on November 27th and the mother admitted to them as well the punishment of the child and the nature of it. The next visit to the home was on December 13th when one social worker visited to serve documents notifying the parents of a proposed hearing under the Child Welfare Act. Thereafter the parents got in touch with their M.L.A., the Minister's office and the media. The social worker was instructed by her superiors to maintain a low profile. Only two home visits were made between November and March 22nd, the date originally set for a hearing. Both those home visits were unsatisfactory as there were outsiders present or there were interrupting influences present so that nothing was accomplished in the way of interviewing. The social worker continued to check on "O" through his school.

The hearing finally commenced on May 9th in Family Court and continued on May 10th and was then adjourned to May 16th for completion of evidence. Judgment was reserved and the reasons for judgment were given on June 13th. The judgment discusses the law governing punishment of children in other countries and the law of assault in Canada at length. It is clear the judge would have found the mother guilty of assault had that been the charge before the court. It was not. The proceeding before the court was a hearing to determine whether "O" was a neglected child in need of protection. The court concluded that he was a neglected child in need of protection within the meaning of the definition. The court directed that he remain in the custody of his parents and that a supervision order issue. The court went on to express the hope that there would be changes in the family with regard to discipline of the children. Then the court said this:

> "Whether these changes will be accomplished through a supervision order depends on the level of co-operation and trust which the parents are prepared to develop with the child welfare worker assigned to the case, recognizing that such person acts under the authority of an act of the legislature. We do not know if such supervision order will succeed in its purpose; but it must in the interests of the child be tried. Regular inspection and supervision will be provided. A

> suitable program of therapy will be recommended to the family and they will be expected to follow through with the recommendations. To allow sufficient time for progress, the supervision order will continue to October 31st, 1983 and if the situation is satisfactory by that time, the order can be allowed to lapse."

An appeal has been launched from that judgment. The direction that the parents take therapy has been struck down on the basis that the Family Court judge had no authority to make such a direction. The appeal from the remainder of the judgment has not yet been heard. In the meantime, supervision is not proceeding as ordered. No visits are being made to the home. A compromise was worked out that the mother and "O" would report to a Social Services office fortnightly.

That case shows the need for immediate review of an apprehension by a court. The wide power of a social worker to apprehend can set in motion a procedure that is inappropriate and almost impossible to stop. It does show also that determined parents can minimize the damage that may result by enlisting the aid of publicity.

We now refer to another case, that of X, a stepfather who punished his 14 year old stepson by striking him across the back with an electric extension cord for lying to his mother. X was charged with assault under the Criminal Code. After a short trial he was found guilty. It was found that the force applied was not reasonable. X was placed on probation for one year and if at the end of that year he has not breached any of the terms of probation, he will be discharged. This is called a "conditional discharge" as provided under the Criminal Code. He has been convicted of a crime, but if he behaves for a year the conviction and any consequent criminal record will be wiped out.

The fourth case was the trial of Mr. and Mrs. "P" of Alberta. A jury found them guilty of assaults on children in their care. The trial was at Calgary ending in the week of September 19, 1983.

We have made reference to these four cases which illustrate what in fact is going on in the application of the Child Welfare Act and the criminal law. We think the cases of X and "P" contrast with that of "O" . In the case of X, enforceable controls have been placed on X. In the case of "O" because of the course of procedure chosen by the child welfare authorities, the result has been no enforceable control placed on the mother. The "P's" case because of the wide publicity it received has given notice to parents and foster parents that beating children is a crime.

The "P's" have reportedly accepted the decision of the court. They say that if those are the rules that must be obeyed, they will stop caring for children. "O's" mother, on the other hand, did not accept that her conduct was wrong and asserted she would do it again if the occasion arose. She has not learned anything.

We inquired why "O's" mother was not proceeded against either for assault under the Criminal Code or for ill treatment under s. 38 of the Child Welfare Act. No clear answers were received. The agent of the Attorney General did not pursue the matter of an assault prosecution when he learned that Social Services had already taken apprehension procedures under the Child Welfare Act. It seems clear that in the Child Welfare Department no one thought about the result they were trying to achieve. It was felt that once the step of apprehension had been taken, this could not be abandoned. It had to go through a hearing and it would be inappropriate to take any other steps simultaneously. This, we think, points up a need for supervision by a senior person who knows what avenues of procedure are open to achieve the result that is most desirable.

We have already said that some physical punishment of children of a certain age group may be necessary for their own protection. Guidelines are necessary to control this so that the punishment does not turn into abuse. There is a greater difficulty in enforcing any guidelines when one is dealing with parents as distinct from foster parents or institutions. There are at least three difficulties. The first is the question of the means of ascertaining the fact that inappropriate punishment is being applied or is likely to be applied. The second is the differences of opinion in a community as to how much physical punishment is appropriate. The third problem is the type of sanction which will in fact control the inappropriate conduct of the parent.

We want to avoid removing the child from his home. That should be the last resort. Therefore, once experienced child welfare authorities determine that there is a real risk of excessive punishment, they should have knowledge of the appropriate mechanism whereby the parents will be deterred without recourse to that last resort if possible.

The mechanism may be to proceed toward a conviction for assault or ill-treatment as a result of which a court could maintain jurisdiction to control future conduct by suspending the passing of sentence conditional on there being no repetition. That carries with it the threat of punishment if there is a breach.

CHAPTER 20

APPREHENSION PROCEDURE

We have not yet dealt specifically with Heading 1 of the Order-in-Council. No. 1 reads:

> "The changes, if any, that should be made in the policies, practices and procedures in the administration of the Child Welfare Act and the Social Care Facilities Licencing Act."

The Child Welfare Act is divided into parts. Part 2 is largely a code covering intervention to deal with neglected children. Part 3 deals with adoptions. Part 4 deals with juvenile delinquents. Part 5 deals with a procedure that is unique to Alberta called "Compulsory Care". Part 6 is administrative, as is Part 1. Both the federal and provincial governments propose to bring into effect a new Young Offenders Act and Part 4 of the Child Welfare Act will be repealed. We therefore leave that part out of our discussion.

Parts 2 and 5 of the Child Welfare Act are the ones that deal with state intervention in the life of a child. In considering these parts we must keep in mind our earlier statement of the rights of a child. In Chapter 2 we also recited some principles that our

Social Services Department says it adheres to. It is to provide protection where it is needed. It is to provide guidance counselling and other services to families for the protection of the children. The first principle it supports is that normally the best person to look after a child is the parent and to that end the first responsibility of the department when called upon to intervene in family life is to help the family assume normal and healthy functioning. Hence, assistance should not be any more intrusive, disruptive or restrictive than is absolutely necessary. If the child cannot remain in his own home, then a place must be found for him. Those principles stated to be the aims of the Alberta Social Services Department are also contained in a concise statement of principles in the Ontario Consultation Paper entitled "The Children's Act". They come from pages 14 and 15 of that document. We quote:

> "5. If either voluntary or involuntary intervention in the life of a child or family is necessary, the least restrictive or drastic alternative appropriate in the circumstances should be chosen; children should be removed from their parents only as a last resort even when parents initiate the request.
>
> 6. Any process of involuntary intervention involving a child or family should be based on a strong presumption of family autonomy and family integrity.
>
> 9. Parents and children should be given the opportunity to be heard when decisions affecting their interests are being made and when they have questions or complaints regarding the provision of service. For

> serious decisions, advocates should be available to assist parents and children in making themselves heard.
>
> 10. If the fundamental interests and rights of children or parents will be affected by a decision, clear criteria and procedural safeguards are needed to define the discretion of service providers and critical decision makers.
>
> 11. Periodic review is necessary to monitor the provision of service to children and families."

Part 2 of the Act is mainly a code of procedure for removal of a child from his family (called "apprehending") and for dealing with him after apprehension. The decision to apprehend is usually made by a child welfare worker based upon that person's belief that the child is at the time a "neglected child". In practice it is often 60 days or more after the apprehension before any court considers whether the decision to apprehend was well founded. This is because while the Act requires that there be a hearing within 20 days of apprehension, it also permits hearings to be adjourned and they usually are at least once and usually for a month at a time. The hearing in "O's" case did not begin until nearly six months after the apprehension.

The Act permits the return of the child to his family pending disposition of his case, but this is rarely done. The case of "O" is an instance in which it was done, but the compulsion to make that decision came from the glaring publicity about the case and the involvement of very senior officials of the Child Welfare Branch and the fact that Department officials considered the case "politically sensitive". In the average apprehension case those factors are not present so it is highly unlikely that the apprehending child care worker will take it upon himself or herself to restore the child to the family pending disposition for fear that this would be taken as an admission that the initial decision to apprehend was possibly wrong. In the average case then, the apprehended child remains under apprehension which usually means placed in a receiving home or a foster home while waiting for the decision of the court.

We accept that the intention in apprehending and detaining a child pending disposition is to do good. That leads to the assumption that because the intention is good the action taken must be good. Such is not always the case. Sometimes the remedy is worse than the affliction. We do not say that that is always the case, but the manner of applying the remedy can have harmful side effects that are often unnecessary.

Most children are apprehended through no fault of their own. Almost always it is because an adult has done something wrong or failed to do something that should have been done. Without fault the child has been taken from the family and placed with strangers. The child's life has been disrupted and the child has been left in a state of uncertainty as to the future while adults are making up their minds what is to be done. At a certain age a child might well smother any feelings of injustice with respect to the apprehension not wanting to blame the parents who may have been the cause of the apprehension. Young children in this situation can be disturbed by uncertainty, abandonment and rejection. Also, two months may not look like much time to an adult but it is a great deal of time to a child. It can also be a great deal of time to some parents. Some parents do not know how to fight to get their child back and the simple passage of time saps their will to fight. These factors lead to the result that the majority of children apprehended and removed from their homes have been put on the one-way road to wardship. Too many former wards are seen in the criminal courts to conclude that wardship is always better than leaving them with their parents.

In the "E" case and in the case of "O" the will to fight was not sapped by the department's actions. We fear, however, that less determined or less educated people might have acquiesced. If "O's" parents had acquiesced in the apprehension, he would have been in some foster home for six months until the Family Court held the hearing unless somehow an earlier hearing could have been scheduled.

We believe the legislation emphasizes protection rather than preventive measures. We think prevention is of equal importance. We are not satisfied that the protective measures of removal from home and family and detention with strangers are always less harmful than leaving the child with his parents. We believe more consideration should be given to those steps before those added traumatic experiences are inflicted on the child who already has suffered more than his share of trauma.

We begin with the definition of "neglected child". Many who addressed us urged that the definition be changed to be that of a child "in need of protection". The reason put forward was that it is less pejorative, whereas "neglected child" seems of itself to affix blame. When you think about it, there seems to be a very fine distinction there. Nevertheless we are prepared to go along with the idea. Other jurisdictions in Canada have already made the change and we would recommend that the definition be changed to "a child in need of protection". It also has the merit of probably being more accurate.

We agree with the authors of the Ontario consultation paper on "The Children's Act", that the enumerated instances of a child in need of protection contained in s. 6(e) of our Act, which is similar to the section in the Ontario Act, are not satisfactory. They enumerate three criticisms which we repeat. At p. 78, "First, many of the grounds are defined in extremely broad and vague language." Page 79, "Second, most of the grounds failed to identify the specific harms from which children are to be protected." Again on p. 79, "Third, even where the present definition does focus on harm to the child, it fails to restrict intervention to cases of serious harm or the substantial risk of serious harm." We further adopt their suggestions contained on pp. 80 and 81 as to what should be the criteria for intervention and thus what should be contained in a section to replace our present s. 6(e). We quote:

> "First, at least one of the following conditions would have to be met:
>
> (a) a child has suffered, or there is a substantial risk that a child will suffer, a serious physical harm. Such harm may be inflicted deliberately by the parents or may be caused by the failure of the parents to supervise or protect the child adequately;
>
> (b) a child has been sexually abused by his parent(s) or any other person and the parents, knowing of the likelihood of the abuse, failed to protect the child;
>
> (c) a child is in need of medical treatment to cure, alleviate, or prevent the child from suffering serious physical harm and the parents are unwilling to provide or to consent to necessary medical treatment;
>
> (d) a child is suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal or aggressive behaviour toward self or others and his parents are unwilling to provide or to consent to necessary services;
>
> (e) a child has been abandoned."

We are recommending those criteria as being a basis for intervention. However, we are not recommending that a child welfare worker be allowed to apprehend without a warrant because he or she believes that the situation falls within one of those paragraphs. We would allow apprehension without a warrant only where the situation falls within one of those paragraphs and the child welfare worker has reasonable and probable grounds for believing that the situation is an emergency situation; for example, a child who has apparently been abandoned.

In those cases not of an emergency nature, but nevertheless apparently serious enough that removal of the child from his family may be justified, we recommend that the child welfare worker be able to apply to a judge or justice of the peace for a warrant to apprehend the child. In support of the application there would have to be an affidavit setting out the facts on which the child welfare worker is relying. If the facts on which reliance is placed are not known to the deponent of his own knowledge, then the source of the information should be given or it should be stated that the source of the information is confidential and in either case the deponent should depose that he believes the facts to be true. The judge or justice of the peace may then, if he is satisfied that there is a real risk that the child will suffer further harm if not removed from his family immediately, issue a warrant for the immediate apprehension of the child.

We thus envisage two types of immediate apprehension, that is emergency apprehension by a child welfare worker and apprehension by warrant. In either such case, the matter should be put before a judge or justice of the peace on the next juridical day following the apprehension. The apprehending authority should be required to show that it is probably dangerous for the child to return to his home. The parents should be heard as parties, in person or by counsel. The child should also be heard if he is over 12 years of age. If the judge or justice of the peace is satisfied that it is probably dangerous for the child to return home, then an order should be made that the child be detained in care until a further hearing is held. On the other hand, if the judge or justice of the peace does not find that it is probably dangerous for the child to return home, the judge or justice of the peace may order that the child be released to return home pending the holding of a further hearing. There may be included in the order terms or conditions to be observed by any party.

In the preceding two paragraphs we have specified a judge or a justice of the peace. We contemplate that the judge would be a Provincial Court judge, preferably one who sits in Family Court. In some areas of the province Provincial Court judges are not readily available and justices of the peace issue warrants and release people on bail. For the sake of expedition when a Provincial judge is not available, a justice of the peace should be able to issue a warrant and also release a child from detention pending first appearance before a Provincial Court judge.

CHAPTER 21

WARDSHIP ORDERS

The apprehension is the first step in a process leading to an application for a declaration that a child be made a temporary ward. Therefore, the apprehender should immediately, upon apprehending the child, issue a notice of application returnable not less than 14 or not more than 18 days after the date of the apprehension. This notice should be directed to the custodian from whom the child was apprehended and/or parent of the child and to the child if the child is 12 years of age or over. This notice should inform them that they may appear in person or by counsel and be heard at the hearing. It should further notify them that if they do not appear, the court may proceed to make whatever order the evidence justifies. This notice of application should be served on the custodian and/or parent and the child if over 12 years of age. At the same time they should be served with a copy of an affidavit setting out the facts on which the applicant is relying. If the deponent is relying on facts obtained on information and belief, that should be stated and the source of the information or that the source is confidential and the fact that the deponent believes it to be true. Service of these documents should be effected at the hearing on the first juridical day after the apprehension or, in any event, not less than seven days before the date set for the temporary wardship hearing.

On the first juridical day after apprehension the case should be on the court docket to be spoken to by the apprehender whether any other party is present or not. Two decisions will have to be made. First, whether the continued detention of the child is necessary and second, a date should be set for hearing the temporary wardship application. The date of the hearing can then be filled in in the notice of application and it can be filed and served forthwith. Presently under the Act we are told social workers spend countless hours trying to effect service. That is a waste of a highly trained person's time. If service is not effected because no one shows up on the first juridical day after apprehension, then a process server or someone similar should be used to effect service.

We recommend a third basis on which an application for temporary wardship may be made. That is the situation where there has been no apprehension, yet the child welfare authorities believe that intervention by removal is necessary to protect the child. In that event, a similar notice of application for temporary wardship may be issued fixing a date for a hearing not less than 14 days after date of issue and it may be served together with an affidavit as provided above not less than seven days before the hearing date. If at any time the department is satisfied that continuing an application is unnecessary, a discontinuance may be filed and if the child has been detained, the court may order that the child be returned to the home from which the apprehension was made.

At the hearing of the application the court will have to decide whether the child is in fact in need of protection as defined above. If it is established that the circumstances that existed at the time of the commencement of the proceedings were such as to justify a finding that the child was in need of protection and if those circumstances have not since been corrected, then the court should find that the child is in need of protection. If the court finds that the child is in need of protection, it should declare that the child is a temporary ward of the province. If the court finds the child is not in need of protection and if he is being detained, he should be ordered returned to the home from which the apprehension was made or to the custody of those from whom the child was apprehended, or the the parents of the child, depending on the circumstances.

At that hearing the court should also inquire whether the department has taken any steps to correct the situation that makes the application necessary. If it has not, the reason for not doing so should be recorded. If it has, the details should be noted. The department's failure to take any steps, if that is the case, should not give rise to an adjournment. If the grounds for granting the order are still present, the order should be granted even if the department has taken no remedial action.

We emphasize the need for early remedial action. If there was none that should be stated in the temporary wardship order. If there was unsuccessful remedial action, it should be briefly described in the order. We repeat the department's failure to take remedial action should not be a reason for an adjournment. The issue should only be whether the child is in need of protection at the time of the hearing.

An order of temporary wardship should have the effect of placing the child in the custody of the Province. The authorities having responsibility for his custody should have the authority to house and care for the child as they in their discretion, and consistent with their duties, deem advisable. In short, the appropriate official becomes the guardian of the child.

If a party as previously defined did not at the appearance on the first juridical day after apprehension request the return of the child, that should not preclude him or her from making an application at any time before the date set for the temporary wardship hearing. Practically speaking such an application should be launched by giving 48 hours notice.

When making a temporary wardship order, the judge should fix a date as near as may be to three months later for review of the case. The first question at the review will be, "Has the department taken any steps to correct the situation that necessitated the apprehension?" If it has not, that fact should be recorded, together with any explanation given for not taking such steps. "Have the circumstances that necessitated the apprehension been corrected?" If so, the child should be ordered back home. If not, the next query will be, "Has an assessment committee assessed the child and has a placement committee decided on an appropriate placement for the child and has the child been placed there?" If the answer to any one of those questions is no, the judge should require the official having guardianship of the child to appear before him in not more than seven days to explain why these steps have not been taken. If the explanation satisfies the judge that it was not reasonably possible to complete these steps in the three months since the temporary wardship order, he may adjourn the review for a reasonable time so that those steps may be completed. That adjournment should not be to a date more than six months after the date of the making of the temporary wardship order.

If at a review hearing it is evident that the child may not go home but the assessment, review by a placement committee and placement have all taken place, then the judge should set the matter over to a date as near as may be to nine months after the date of the temporary wardship order. If on that date the child may still not go home, the matter should be set over to a date 15 months after the temporary wardship order and if again the child may not go home, it should be set over to a date 21 months after the date of the temporary wardship order. If at the review 21 months after the temporary wardship order the child still may not go home, a representative of the department should be instructed to forthwith give notice of an application for permanent wardship to be made in Court of Queen's Bench as soon as according to the practice of the court it may be heard after 24 months from the date of the temporary wardship order.

It at any time after apprehension it is clear that there is no prospect of the child ever returning to his home, then an application for permanent wardship may be launched in Court of Queen's Bench immediately. We have suggested that dates be specified for review at three months, nine months, 15 months and 21 months, as near as may be after the temporary wardship order. These reviews need not use much court time unless there is an opposed application for return of the child. We think that if there is no one opposing, an affidavit by an official of the department establishing the facts that need to be reviewed at that time would be sufficient. We also think that at the time of making the temporary wardship order the review dates at three months, nine months, 15 months and 21 months could be determined and incorporated in the order so that everyone concerned would be able to plan accordingly. By suggesting these fixed dates for review, we do not intend to preclude the possibility of a party applying to terminate the temporary wardship order any time before a permanent wardship order is made if the facts have changed to justify such an application. We would not require the applicant to wait until a review date to make that application, but would let the applicant apply on 48 hours notice.

The foregoing recommendations are intended to stress that when the department takes a child into its care and custody as a temporary ward, it thereby assumes the duty to act as a prudent parent toward that child. If it does not do so and the child has a home to return to, the child should be returned to its home. If it does not do so and there is no home to which the child can be returned, then the defaulting officials should be required to carry out their duties if necessary by order of mandamus from the Court of Queen's Bench. At a permanent wardship hearing the department should be required to show two things; that it has fulfilled its obligations and that the circumstances justifying the temporary wardship have not been corrected. Unless an opponent to the application can then show that the circumstances justifying the temporary wardship were beyond his or her control and that they will be corrected within a reasonable time, the order of permanent wardship should be granted.

The foregoing are our suggestions for intervention procedure in a family.

We believe this will make the grounds on which the courts will act more certain and the decisions more consistent. It will eliminate the task of deciding "what is in the best interests of the child", which can be interpreted by Judge A in one way and by Judge B in exactly the opposite way with equal justification; his own opinion and no other authority. Our proposals should confine the courts to deciding questions of fact which is what judges regularly do. We realize that in the Juvenile Courts and the Family Courts judges have been called upon to combine the characteristic of a court of law with those of a social worker's agency. This has weakened the courts so that they are neither the one nor the other. In our view, questions of fact should be left to the courts for decision. Courts should not be asked to make decisions about treatment. They should ensure that the legal requirements have been met.

In our view, confining the issues before the courts to questions properly before them should shorten hearings considerably. If hearings are shortened and issues decided promptly, the courts should be able to increase the volume of cases being heard considerably and thus eliminate another aggravating problem - that of delay in getting to a decision. We believe our recommendations will also reduce the number of apprehensions, thereby reducing the volume of cases. The setting of all review dates in advance should reduce the necessity for repeated notifications and reduce the number of applications for adjournments.

A copy of every temporary or permanent wardship order and of every other order made concerning a provincial ward should be sent to the Director of Child Welfare who is the guardian of every ward. An order becomes effective on entry so the clerk of the court should forward a copy to the Director immediately upon entering the order. If this is done the Director will have original information on the status of every ward.

CHAPTER 22

HEARING PROCEDURES AND APPEALS

We have earlier in this report referred to inordinate delay which, in our view, accomplished nothing and aggravated the situation for the child involved. If the parents cannot correct their problems in two years, they should not be thereby allowed to prolong the period of uncertainty for the child. We know that an earlier board of review reporting on this subject recommended the elimination of mandatory termination of temporary wardship at the end of three years in Alberta. We think that was wrong and that possibly the two years that we are recommending is too long a period. A child is a growing human being and the growth continues whether the parents resolve their problems or not. The child cannot wait; if the parents cannot assume their duties within a reasonable time, a permanent substitute should come into the picture.

The issues we suggest the courts should decide are clear-cut and usually subject to proof. We believe that if the suggested use of affidavits is followed there will frequently be admissions of fact obviating the need to call witnesses and thus shortening the hearings and bringing them to the essential point. We would not entirely eliminate hearsay evidence except on crucial matters. If evidence tendered pursuant to s. 13(3),

(4) or (5) of the Child Welfare Act is crucial to the issue, there should be a right to cross-examine.

We recommend that Family Court judges be confined to deciding whether a temporary wardship order should issue or not. They should not be asked to, nor should they make orders about subsequent conduct of the guardians of the child, the child or anyone else involved. The guardians have the duty to place the child where they consider it best for the child. If they consider that there is a reasonable prospect of rehabilitating the family by placing the child back with the family, that is their responsibility; they should exercise it. If it does not work out they have the right to remove the child from that home just the same as they would from any foster home in which they have placed the child. They would not need a judge's order, coupled with conditions to carry out their duties. Natural parents do not need court orders to help them carry out their duties except in very unusual circumstances. The temporary or permanent guardian should not need them either.

The conduct of hearings in the Family Court has caused us some concern. While the idea of informal hearings was meant to put participants at their ease, unfortunately rules of law seem to have been put at their ease as well. We are informed that one Family Court at least is so informal that it never bothers to administer oaths. Another apparently has admitted an unsworn affidavit and hearsay evidence on crucial matters has been admitted. The Family Court should be a court of law called upon to decide serious legal issues. Informality and camaraderie on the part of the court breeds contempt for the court. We would urge that the court follow formal, proper behaviour. To emphasize that, we suggest the repeal of s. 12(1).

Recent rulings seem to tend toward Family Court proceedings being open to the public. We agree with that trend. We believe closed hearings can conceal incompetence on the part of the court, the lawyers and the social workers. Their proceedings should be open to the glare of publicity. Justice should not only be done but should be seen to be done. We are prepared, however, to modify that recommendation. We realize that publicity of some family behaviour may well inhibit all prospect of rehabilitative measures and rehabilitation of the family should be the first objective in all these proceedings. There is also the possibility that neighbours, acquaintances and classmates might attend the hearings if they were permitted to do so and their presence might tend to embarrass witnesses and thus make the obtaining of evidence difficult or impossible. We would recommend that the following people be allowed to be in the courtroom - the judge, the court staff including the clerk of the court, the court reporter, counsel for the department, the child care worker in charge of the case, the child, the social worker in charge of the child, counsel for the child, if any, the parents, counsel for the parents, if any, the custodian of the child at the time of apprehension if that custodian had care of the child for any substantial length of time prior to apprehension, that custodian's counsel, if any, long-standing foster parents, if any, and their counsel and witnesses in the case and members of the press.

The presence of witnesses would be subject to the order of the court. For example, there may be an application to exclude witnesses until called to testify. Also, with regard to members of the press, they would be entitled to be present but no report should reveal the name, address or school or include any particulars likely to lead to the identification of any child in any way concerned with the hearing unless the Attorney General allowed the publication because he was satisfied that it was in the interests of justice. All of the above should be subject to the general power of the court to exclude anyone or permit anyone to be present as the interests of justice dictate.

We believe the restrictions on the press with respect to court proceedings ought to be maintained even if there has been identifying publicity before or after the hearing. Two recent cases come to mind. In the "E" case there was no Family Court hearing so the question of press reporting of a hearing subsequent to great publicity did not arise. In the case of "O", it could have arisen. In both cases the adults involved gave press interviews and sought publicity because they believed they were the victims of tyrannical behaviour by employees of the Social Services Department. In both cases we believe the publicity had a salutary effect on the outcome and after all the publicity it would have been pointless to try to prevent publicity of the court hearing in the "O" case, but it could have been without family name, address or school.

We have seen cases where a further proceeding in Family Court has been delayed for years because of difficulty in effecting service on natural parents. We think that natural parents or other interested adults ought not to be able to delay proceedings by not showing up or absenting themselves. When a child is apprehended, unless a child has been abandoned, someone has custody of the child. Unless the child has been kidnapped, that custodian is presumably acting under some authority from the parent. If the parent has shown so little interest in the child as to have gone away and is staying away without leaving any forwarding address or means of getting in touch, then we see little reason for the parent being notified. In such a case, unless service can be easily effected or there are exceptional circumstances, it should be dispensed with and the temporary wardship hearing should proceed. It must be remembered that any time before a permanent wardship order is made we would allow a party to apply to terminate a temporary wardship and have the child returned to the care of his parents.

We envision the parties to proceedings involving apprehended children would be: The Director of Child Welfare, the child, the custodian from whom the child is removed and the natural parent or parents. We say this because the apprehension and the proposed application in court will affect the rights of each of them. Therefore, they should be entitled to the full status of being a party to the action with the right of audience and the right to be represented by counsel if they wish. This would be subject, of course, to the above restriction that a child under 12 would not necessarily have a right to be heard unless the Court determines that he can contribute something on the subject of the issue or can instruct counsel in respect of the issue.

Family Court judges and social workers made representations to us that the power to make permanent wardship orders ought to be put in the Family Court. The judges suggested that since they had been handling the cases during the temporary wardship period, they were, therefore, more familiar with individual files and, therefore, could more swiftly and efficiently deal with them than could judges of the Court of Queen's Bench. That argument on its face is wrong. That suggests that they would rely on prior knowledge to make a decision. We would prefer that decisions be made on the evidence put in court at the time. The social workers put forward a similar argument. They said Family Court was less formal, not so strict and it would be easier to prepare for a hearing of permanent wardship in the Family Court. That suggests that they either regarded the Queen's Bench as being overly strict or the Family Court as being lax. That argument is not persuasive to us either.

If our suggestions as to procedure for temporary wardship and permanent wardship are followed, we suggest that the difficulty in preparing for one or the other will be about the same. Because we suggest that an element to be proven in a permanent wardship application is that all obligations to the child have been met, that will, to some extent, operate as a review of what has been going on while the child was a temporary ward. Permanent wardship is a change in status. The ordering of a change in status is an inherent jurisdiction of the Superior Court. It is a serious, permanent step from which there is no turning back. This justifies a fresh and independent look at what has been going on. For these reasons, we believe that the authority to grant permanent wardship orders should remain in the Court of Queen's Bench.

Our remarks about adjournments, however, would also apply to Court of Queen's Bench. We cannot point the finger at either the Family Court or the Court of Queen's Bench as being more willing to grant adjournments. It seems to depend on what judge the case comes before. Some judges in both courts seem to grant adjournments much more easily than others. We would, therefore, urge that the legislation concerning service and dispensing with service apply equally in both courts.

We were told of one instance of abuse of the Custody by Agreement provisions in the Act. A professional couple found their teenager a bit troublesome to look after. They sought to turn the child over to the Director of Child Welfare by an agreement, threatening at the same time if the Director did not agree, to refuse to look after the child, in which case the Director would have to apprehend the child as a neglected child and thus, would have to assume the care anyway. The Director agreed to take the child. Then the couple argued strenuously over the expense they would be called upon to pay, requiring it to be held down to the actual out-of-pocket expense of the department in foster care rates, etc. It seems to us that such a tactic should not be permitted and, if the criteria for apprehension are changed as we suggest, the parents would not be able to make the same threats. It seems to us that in such circumstances, if well-to-do parents want to fob off the care of their child on the province, they should be required to pay a realistic amount for the service.

We believe it is only just that in the case of temporary wards, where the parents clearly have the means to support the child, they should be required to support him while he is a temporary ward. We have heard of some parents who pay the costs of the department and keep a close eye on what the department is doing with their child and how the foster parents are looking after the child. We believe the department ought not to be limited to recovering foster care costs and should be able to require the natural parents to be more financially responsible for their child. To this end, we recommend that s. 19(3) be amended to permit, in a proper case, a recovery up to the actual cash outlay of the Department in respect of the child.

In our view, s. 20 providing for an appeal should be amended if our previous recommendations are adopted. Section 20 does not give any right of appeal to a child. We would think that the right of appeal should be given to anyone who was a party in the proceedings in Family Court.

Appeals to the Court of Queen's Bench from the Family Court have tended to become new trials with a mixture of the record and affidavits used at the trial, new affidavits filed in support of the appeal and testimony of witnesses called at the appeal. In our view, this practice ought to be stopped. The appeal should be on the record of the trial in the Family Court.

The present appeal procedure contemplates a review by the Court of Queen's Bench of the order made by the Family Court, such review to be on the basis of the evidence heard by the Family Court subject to such additional evidence as the Court of Queen's Bench agrees to hear. In practice the appeals appear to be unnecessarily lengthy and, therefore, delayed because they are almost invariably trials de novo. In order to avoid these delays caused by the unnecessary repetition of the calling of this evidence, we recommend that the appeal be on the basis of the evidence heard in the Family Court and such further evidence as the Court of Queen's Bench on special application agrees to hear. If any party intends to present additional evidence, such party should be required to apply on notice to the other parties outlining the nature of the additional evidence to be called so that the judge hearing the application can determine its relevance to the appeal. This should eliminate duplicating the evidence previously called.

It will be realized from all of the foregoing that implicit in our recommendations is the elimination of supervision orders. That is not accidental. It is intentional. Supervision orders are in truth not enforceable. It is clear from the remarks of the judge in the case of "O", which we have quoted, that the judge knew when the order was being pronounced that it was not enforceable unless the subjects co-operated. In that case they have chosen not to co-operate. There is a further criticism of supervision orders. Almost invariably they do not originate with the court. The social workers recommend them and ask the court to order them. In that way they dictate a course of action, but get the court to assume responsibility for it. If they are going to adopt a course of action, they should be responsible for it.

In this report we have referred to three cases in which supervision orders were made: the case of "O" "K's" case and the "A" case. In "K's" case the supervision order was not challenged, it just expired. In the "A" case the supervision order was ineffective. In both cases the court was roundly criticized. The court would have been better off in both cases and in the case of "O" to have merely decided whether it was probably dangerous for the child to be at home or not and make an order accordingly. Then, if the child was returned home, it would be up to the social workers to monitor the situation and act appropriately.

A case in Ontario was much in the news recently. That is the case of "Q" In that case the child was apprehended. Then at the urging of the senior social worker the child was returned to her parents subject to a supervision order. Not long afterwards her mother inflicted physical abuse on her that caused her death. The supervision order was ineffective. The court made the order because it was recommended by the social worker in charge. It was not the opinion of the court, but rather the opinion of the social worker that there should be a supervision order and the terms of it.

Under the system we are proposing, a temporary ward could be placed with the natural parents subject to conditions imposed by the social worker and concurred in by the placement committee. If the conditions are not met, the child could be removed just as from another foster home. That is as near to a supervision order as we would recommend. If the parents thought a condition or a removal was wrong, they could appeal under s. 2 of the Act. The difference between our recommendation and the supervision order is that under our proposal the parents would be in no better position than foster parents and if the social worker felt that the conditions had not been met, the matter could be dealt with by the placement committee subject to the appeals available without bringing the matter through the court once more.

CHAPTER 23

THE AMICUS CURIAE

We now turn to a recommendation of the Ombudsman that the department explore the possibility of using an amicus curiae to represent the interests of a child in at least every child protection case. This recommendation was referred to us by the Minister for comment.

From further remarks in his report it seems that the Ombudsman thinks that the amicus curiae that he is recommending would be some kind of a children's ombudsman. He recommends that such an amicus curiae should have the right to intervene on behalf of the child in any case where he, the amicus curiae, deems it advisable to do so. This is a power that the Ombudsman himself has under the Ombudsman's Act in matters that come within his jurisdiction.

In the first place this is based on a misconception of the role of an amicus curiae. The words mean "friend of the court". Traditionally an amicus might, with leave of the court, intervene in proceedings to which he was not a party to make suggestions concerning the law involved. It is described in England as:

> "a comparatively rare procedure and is usually invoked where it is considered by the court that an important point of law is involved which the court wishes fully argued, and which is unlikely to be dealt with by the parties before it."
> (Olive M. Stone - The Child's Voice in the Court of Law, (Butterworth's) p. 158.

The idea behind that concept is that there is a danger of the court falling into error as to the law because the parties before the court are inadequately presenting it.

There is another concept that comes into play when persons who are not able to represent themselves are before the courts. That is the concept of a guardian ad litem. This concept is frequently employed in civil litigation where children are involved as parties. It is the duty of that person to arrange for proper conduct of the child's case before the courts. In Alberta that person is sometimes the Public Trustee, sometimes an adult friend, sometimes a relative and sometimes a lawyer. In any event, such a person is appointed by the court to attend to the interests of the child in that litigation.

There is a third situation involving the gathering of evidence. It may sometimes appear in the course of a trial that independent technical evidence may be required. In such a case the court, on its own motion, may appoint an independent expert called the court expert to prepare a report and, if necessary, to give evidence.

In Alberta in Court of Queen's Bench and sometimes in Family Court in child custody cases, a practice has developed of the court appointing someone that it calls an amicus curiae to investigate the circumstances and present a report to the court. A person so appointed is usually a lawyer and usually an employee of the government. This person employs someone to investigate the proposed living arrangements for the child with both the mother and the father and to prepare a report. Sometimes the report contains recommendations as to who should have custody. Some judges allow the amicus curiae so appointed to assume the role of representing the children. Some do not. Some allow him to call evidence and cross-examine witnesses called by the parties to the case. Other judges do not allow that. Almost always the report of the investigator is tendered to the court and received.

This Alberta practice is unique in Canada. It seems to be a mixture primarily of roles of guardian ad litem and court expert. There is little or no element of the role of amicus curiae, but that is what it is called. It is in an experimental stage and serious questions are being raised about it.

In some instances it has been suggested that the court is abdicating its role as decision maker in favour of the amicus curiae. It is clear that there are just criticisms of the practice in any event. It delays litigation, it is expensive and it is often of dubious utility. Frequently the courts do not pay attention to the recommendations made by the amicus curiae or the expert that he may retain.

We do not blame the Ombudsman for being attracted to the idea of the amicus curiae. Certainly there are many who advocate its use and expansion. The doubts about its present use are only now coming to the fore. Besides, there is something attractive about the idea of the knight in shining armour who instinctively knows where to look to search out and expose negligence and wrong doing. This unfortunately is not a very practical idea.

We are recommending that the courts in child care cases decide only questions of fact and then apply the law. The questions of fact are: Is there substantial risk of physical harm? Has there been sexual abuse from which the parents did not protect the child and is there danger of it recurring? Is there need for medical treatment that the parents are not obtaining? Is the child suffering from severe emotional damage as defined earlier? Has the child been abandoned? One or more of these questions will be submitted to the court for decision where the department is attempting to take a child from his family and make him a temporary ward. It will be the duty of the lawyer for the department to present evidence in support of his case. The lawyer for the department will be endeavouring to protect the child by having the child made a temporary ward. Obviously, if he is going to succeed, he will have to present the strongest case available. We see no need for another lawyer to represent the child in such circumstances. We think we can rely on the court in most circumstances to safeguard the rights of the child. There may be the rare occasion when the court may suspect that the department lawyer is not doing an adequate job of presenting the evidence in support of a temporary wardship order or because of the circumstances is in a conflict of interest position as between the department and the child. In that case, the court can adjourn and direct that a lawyer be appointed to represent the interests of the child. Another situation would be that the department lawyer might be too zealous, in which case if he succeeded he would deprive the child of his right to be with his family. We think the courts can deal with that without having another lawyer representing the child. There may be cases, particularly we would think in the area of severe emotional damage, where there might be conflicting expert evidence or the possibility that the only expert evidence tendered is suspect. In such case again, we think, we can rely on the court to intervene and direct that a lawyer be appointed for the child or perhaps that another expert opinion be obtained.

The "A" case is one in which the Ombudsman felt the court had been misled. There the court had to make two decisions. It had to decide whether the child should become a temporary ward.

If it so decided, that would give it jurisdiction to make a supervision order with conditions. Had there been a lawyer representing the child, that lawyer might have taken issue with the terms of the supervision, but we do not see how he could possibly have taken issue with the decision that the child was in need of protection and thus was to be a temporary ward. If our recommendations are followed, the terms of supervision (that is the terms of treatment) would not be an issue to be decided by courts and lawyers. Those would be matters to be decided by the responsible care authorities if temporary wardship was granted.

To sum up then, in the great majority of cases, the department's lawyer would not have any conflicting interest with that of the child. In those cases it would be superfluous to have another lawyer representing the same interests. In a few cases it may be that a child's interests are not being represented properly. That could be through incompetence or dubious evidence. We think the courts can be relied upon to deal with either situation appropriately and, if necessary, arrange for the independent representation of the child. We have not overlooked the problem created in many cases where there is separate representation for the child that the lawyer may not have a client who can properly give instructions. The lawyer is then in the position of putting forth his own opinions, rather than carrying out the traditional role of putting forward the position he is instructed to take.

It must also be borne in mind that we expect the social worker in charge of the child to be alert to see that the child's rights are protected. The child of 12 or over should be advised of his right to separate representation and his right of appeal. He should be informed of this as early as possible in the process. Parents, children under 12 but capable of instructing counsel, and other parties having a legitimate interest should also be advised at the earliest possible opportunity of their right to be heard and to be represented by counsel.

CHAPTER 24

UNWED CHILD MOTHERS

We now turn to s. 23 of the Child Welfare Act which provides that a parent or guardian may surrender a child to the Director for the purposes of adoption. We do not recommend any changes in that section. This is the section under which a child of an unmarried mother is frequently surrendered. It has been urged on us by some that if an unmarried child gives birth to a baby, those circumstances alone ought to justify apprehension of the baby before the baby leaves the hospital unless the unmarried child mother can show that she has a viable plan for looking after and rearing her baby. This would put the onus on her and unless she could meet that onus she would lose her baby. In support of the proposition, statistics are cited that a very high percentage of such babies who go out into the world with their mothers are abused or neglected and become wards before too long. The advocates of this policy urge that it would be better to apprehend the baby and thus prevent the trauma of being abused and neglected.

In the course of our work two cases were brought to our attention that would also support the arguments in favour of apprehension at the hospital. In each case the mother gave birth to her second child before she was 18. In each case the mother's first child was already a temporary ward. In each case the mother took her second child home from the hospital. In each case the second child became a ward within a year. Similarly, we could look at "C's" family mentioned in Chapter 13 of this report. "C's" mother was never married. She could not have remained under 18 while she had all her children, but she began having children before she was 18. Every one of her children came into care, one after the other. Facts such as these do suggest that it may be possible to identify in advance situations where children are likely to be abused or neglected and, therefore, we may as well apprehend to prevent them from being subjected to that experience.

If we acceded to that argument, we would be adopting a new ground of apprehension. The new ground of apprehension would be that it is highly probable that some time in the future this child will be abused or neglected. We cannot go that far. We must adhere to the grounds of apprehension we have already set out.

Some told us that in these circumstances a hospital social worker will visit the child mother and point out to her the pros and cons of electing to take her child home. It is said that the social worker does not urge one course or another. It is left to the child mother having heard the pros and cons to decide for herself. It seems to us that in view of the statistics, it would be justifiable to adopt a policy of positive recommendation for surrender for adoption. If the pregnancy comes to the attention of the department, for example through a social assistance worker, the child mother should be advised prior to her entry into hospital for delivery of her baby of the difficulties inherent in her situation and what help there may be available.

CHAPTER 25

CONFIDENTIALITY

Earlier in this report in discussing the child abuse register, we conceded that if persons faced with a suspected abuse case had information that there had been previous allegations of abuse, they would conduct a more thorough investigation. The problem is that the people faced with the present possible abuse situation may not be employees of the department or the government and thus, they may not have access to the information of previous allegations. One group has made the following recommendation:

> "The function of the Child Protection Registry should be redefined to facilitate sharing of purely factual information between Alberta Social Service and Community Health, local health authorities, physicians, hospitals and schools in order to properly ensure protection of a child at risk."

Section 3 of the Child Welfare Act in its first subsection prohibits the disclosure of documents or information without the written consent of the Minister. Subsection 3 relieves against those prohibitions if disclosure is made to employees of the provincial government, to an official of the municipal government or the Government of Canada or of any province or agency thereof or to any person assisting the department when the disclosure is made to enable the giving of assistance and information required for the proper administration of this Act. It seems to us that proper administration of the Act arises from s. 94(2)(a) wherein the Director's duties are spelled out thus:

> "Arrange for the investigation of allegations or evidence that children may be in need of protection and, where necessary, see that protection is provided, and provide guidance, counselling and other services to families for the protection of children."

That seems to impose a duty with respect to children who are not wards of the province. That duty is to provide protection. As we said in discussing the Child Protection Registry, the detection of abuse will probably prevent repetition of it, so detection becomes a means of protecting a child. A more thorough investigation in dubious cases may lead to proof of abuse. Therefore, giving the knowledge of previous allegations would appear to us to be part of the Director's duties in attempting to provide protection for a child.

Since section 3(3)(c) permits the giving of information to any person when the disclosure is made to enable the giving of assistance and information required for the proper administration of this Act, then it would appear that information could be given to non-employees investigating a situation that is apparently dangerous or harmful to a child even if not a provincial ward. If we are not right in our interpretation, then it is our belief the section should be amended to permit that. We believe much of the problem has arisen because government employees are fearful of censure and possibly damage actions. There is also, unfortunately, a tendency in some employees to want to maintain control by holding back information. It is a delicate area requiring mature judgment and much common sense. The decision to disclose information should not be left to the most junior employee. It should be the decision of a more senior employee who has access to the information and can judge its relevance to the situation that has arisen.

We would recommend that an additional subsection be added to s. 3. This subsection would exempt an employee from liability for damages for having made a disclosure of information if the disclosure was made in the course of the employee's duties in the reasonable belief and intending that such disclosure was to aid in protecting a child.

Before leaving this topic, we might add that s. 37(4) of the Mental Health Act prohibits the disclosure of information about mental patients. But s. 37(6) permits disclosure in certain circumstances. It appears to us that nowhere is there permission to disclose information about a person who has or proposes to have care of a child. Thus, in the "A" case if the social worker had not extorted consent from "A's" parents to be permitted to obtain information concerning their mental histories, the effort to obtain it would have had to be abandoned or alternatively an application launched in court for an order directing the disclosure. Perhaps such an application, if it had had to be taken, would have succeeded or perhaps it would not. It is difficult to say on what basis a court could order disclosure when the statute does not permit it. It seems to us there ought to be an amendment to that section to permit disclosure to the Director of Child Welfare of information about a person who has or proposes to have the care and custody of a child or in any other case likely involving the safety of a child.

CHAPTER 26

COMPULSORY CARE

We now turn to Part 5 of the Act, compulsory care. It provides for the confinement of temporary wards in institutions for stated periods. This part came into being in 1977 after the Kirby Commission had made recommendations concerning the compulsory care of juvenile delinquents. Juvenile delinquents could be made temporary wards of the province by a Juvenile Court judge and thus would come under the Child Welfare Act, although in essence they were convicted delinquents. It seems that this part was devised primarily to legitimize the confinement of juvenile delinquents who had not been so sentenced. Since the Young Offenders Acts will not, according to the announced intention of the Government of Alberta, put the young offenders under the authority of the Child Welfare Act, there seems little reason for maintaining this part. It is not our function to comment on the decision to place children who come within the Young Offenders Act outside of the child welfare system, but we have some concerns.

Part 5 provides that a judge may order compulsory care in addition to making a temporary wardship order if he is satisfied that a child is a danger to himself or others or is out of control and it is in the best interests of the child that he be confined in an institution. The Director of Child Welfare is also empowered to order such confinement of a child who is already a ward by issuing a certificate. The Director may also renew a compulsory care order or certificate for further periods, the total of which may not exceed six months without an application to the court. Copies of the certificates issued by the Director are sent to the court and a judge thereof may direct a hearing if he is not satisfied that a certificate of renewal should stand. During the term of any order or certificate or renewal the Director has the authority to remove the ward from one institution to another, the duty to have diagnostic treatments and services supplied to the child, the authority to confine the child and the authority to cancel the certificate or order.

It seems to us that these provisions are largely meant to protect the Director if he deems it necessary to confine a delinquent ward for treatment. As we mentioned above, that will no longer be necessary when the Young Offenders Act comes into effect. Will the procedure then be necessary for wards under the Child Welfare Act? In our view, it is not necessary. When a child is a ward the Director has all the authority of a parent over the child. If a child becomes insane or disturbed so that it is necessary to confine him and treat him, a parent can and has the responsibility to do that and does not need the provisions of a compulsory care certificate under the Child Welfare Act. In our view, the Director standing in the shoes of the parent and with the authority of the parent does not need those provisions either.

The statistics show a substantial use of these provisions. It appears, however, that all too often they are used as a means of obtaining priority in getting a child into an institution. The very phrase "judge's order" gets priority even though the judge did not know there was a waiting list and did not order that the particular child be given priority over others. This is an abuse resorted to by child care workers because there are not enough beds in the institutions. The problem should be faced directly either by increasing the number of beds or finding an alternative solution.

The use of certificates and judge's orders is also an arbitrary and expeditious means of disposing of an acting out child without very much consultation with experts and without it being established that the institution is appropriate for the problem presented.

We, therefore, recommend the repeal of Part 5 of the Act. The Director can go back to assuming responsibility for his actions as he did before 1977. If a temporary ward should be confined then the Director as guardian should confine him and take the responsibility for this, subject to the right of review of any decision made in respect of a temporary ward. It must be remembered that in considering our recommendations in this chapter, that the compulsory care provisions in Part 5 deal solely with children who are already wards.

CHAPTER 27

CARE OF WARDS AND CARE APPEALS

We have recommended changes in the procedure whereby a child becomes a temporary ward or does not, or, having become one, ceases to be one. The next problem is how is the child dealt with when removed from home and in the care of the department?

We hesitate to draft legislation or regulations in this regard. There may be serious practical considerations which would have to be taken into account in laying down a procedure. We are not content to have provisions in a procedure manual as the sole control of what happens to a child. We realize that once legislation is enacted and proclaimed it is very difficult to change. If it becomes apparent that there is an oversight or an error, regulations can more easily be changed but we do want to see some legislation outlining what must be done for a child in care so that if it is not done there can be resort to the courts to force the responsible officials by order, injunction or mandamus to perform their statutory duty. We propose then to outline those things we regard as essential and hope that appropriate legislation can be drafted commanding their performance.

On the first juridical day after apprehension, if the proceedings are not discontinued and particularly if the child is detained, a date should be fixed for the temporary wardship hearing. Preparations for that hearing should begin at once so that it will be ready to proceed on the day fixed 14 to 18 days later.

If a temporary wardship is ordered, the child should be submitted to assessment procedures immediately. We would be inclined to provide here a time limit for their commencement or alternatively a time limit for their completion. We realize that in some cases assessments may be complicated and time consuming. In the majority of cases we think it would not be so, but our objective is that there be as little lost time in dealing with the child appropriately as is reasonable.

As soon as the assessment is ready a plan for the care of that child should be prepared. Paramount in the plan should be realistic efforts to reconcile the child with his family. Then the placement committee should consider the matter and find a placement for the child where the plan can be carried out. We feel these steps should all be taken as quickly as possible. Earlier in this report we have recommended that after temporary wardship the case should be back before the court in three months, at which time it would be expected that all these steps relating to a child will have been completed and the officials will be able to so report to the court. We would think that there should be regulations directing that these steps be taken and that they be taken again within a stated length of time.

After the child has been placed, the social worker who is in charge should periodically check that the child's progress is according to the plan. If problems arise that seem to indicate a need to change placement, it should be referred back to the placement committee and should not be based solely on the judgment of the social worker. We believe the more care that is taken in assessment, planning and placement, the less likelihood there will be that the child need be moved to a new placement.

In passing we would remark that we have been advised of a group home with six children in it, each with his own social worker. That seems to us to be the height of inefficiency. It would appear more sensible to transfer all those files to one social worker who would then be responsible for all the children in that group home.

We would suggest also that if a child has been in one foster home for six months or more, those foster parents ought to have the right to express their views about the future treatment and care of the foster child if they wish to do so.

Sometimes a permanent ward is not easily adoptable and is placed in a foster home for a long term. The foster parents become attached to the child, but for financial reasons cannot afford to adopt but are willing to keep the child. After some years someone comes along who is willing to adopt the child and the child is uprooted from what has now become its permanent home and placed with strangers. It has been suggested that subsidized adoption would permit such foster parents to adopt. Also a consideration of the department is that adoption in the ordinary course relieves the department of a financial responsibility and, therefore, is preferable to continued foster care. We are concerned about uprooting a child for financial considerations from what has become his permanent home. We would suggest that there ought to be legislation whereby foster parents of a permanent ward for a long term might apply to the Court of Queen's Bench for an order appointing them guardians of the child with the right to custody of the child. The child would still be a permanent ward, but if the Director wished to remove the child he would have to either apprehend the child if he could show the grounds for doing so or if the purpose of the proposed removal was to let the child be adopted, then the Director would have to apply to terminate the foster parents guardianship, thereby giving them a chance to be heard and giving the court a chance to weigh the merits of the proposal, having in mind the rights of the child.

If the "E's" had been constituted guardians of those three children, the arbitrary taking of the children would not have occurred. Similarly, we have heard of two children with physical handicaps who are permanent wards. Each has been with a foster parent or foster parents for a long time. The foster parents have taught themselves how to cope with the child's handicaps. They have become attached to the child. They cannot adopt because they cannot afford the treatment, appliances or special schooling that the child needs. So far the department has been paying. However, the child has become attached to that home. In one case the department wants to remove the child because there are adoptive parents available. This would relieve the department of a continuing expense. In the other case the department wants to remove the child because the foster parent is getting old. In each of these cases if there had been orders of guardianship, the department would be forced to go before the court where it may well be argued that the right of the child to have a continued uninterrupted home life might prevail.

We think it is inevitable that there will be questions about the appropriateness of programs or the actions of various people involved with the care of a ward. It could be a difference of opinion between the social worker responsible for the child and some other employees or agents of the department administering care to the child. There is also the possibility that the child is unhappy about the treatment or care that is being given. There is the further possibility that the parents of a temporary ward may be dissatisfied with the care that is being given to the child. In these circumstances there should be a clearly defined and well known avenue of appeal from the decision of the Director, a child welfare worker or an employee of the department.

In the "E" case the first stage of the appeal seems to have been invented on the spot. There does not appear to be any provision in the Act for that stage. We think the idea was good. The composition of the Appeal Board was the Acting Regional Director and the Program Director from central office. They gave their decision, that is the result, but we think such an appeal board should be required to do more. It should give reasons in writing for its decision. We think legislation should be drafted to provide for this sort of an appeal board and requiring the decision be so made. This could be achieved by making the Administrative Procedures Act applicable to these proceedings.

In the "E" case there was a second stage of appeal to the Child Welfare Commission. That is provided for in the Act in section 2. That section, however, seems to provide an appeal directly from a decision of a child welfare worker or employee. We would prefer to see a two stage appeal as was done in the "E" case. Again, we would require that the Child Welfare Commission publish written reasons for its decision in each appeal.

We would recommend the repeal of section 2(2). Its very presence makes the whole appeal process suspect. It constitutes at present a threat that if the Commission makes a decision that the Minister does not like, he reserves the right to reverse the Commission for whatever reason. That leaves the door open to political influence rather than encouraging decisions that are in accord with the best principles of child welfare practice. The repeal would also lessen pressure on the Minister. We recommend that there be no appeal from a decision of the Child Welfare Commission. We would not rule out the possibility of a decision being removed into Court of Queen's Bench by way of certiorari, but we think that need not be spelled out in the legislation.

CHAPTER 28

THE CHILD WELFARE COMMISSION

In Heading Number 4 of the Order-In-Council, we were asked to comment on:

> "The changes, if any, that should be made in the duties, responsibilities and structure of the Child Welfare Commission;"

In the preceding chapter we spoke of the role of the Child Welfare Commission as an appeal body. That seems to be all it does now despite the provisions of s. 93 of the Child Welfare Act.

The department obviously considers the present Child Welfare Commission to be insignificant as we were repeatedly told by then high officials of the department that the Commission in fact did not exist and those high and obviously well-informed officials could not name the members and clearly intimated that the positions on the Commission were vacant. In fact, the Commission has at all times had members appointed by Order-In-Council. However, it appears that the Commission has ceased to play any role in management of the department except to nominally produce an annual report. Responsibility for supervising service, delivery, program development and other activities of the branch have devolved upon others such as the Director of Child Welfare. Even the Commission's appellate role is almost insignificant as the appeals are few and far between.

That is not surprising since the Child Welfare Commission is composed of senior officials of the department and appeals to it are from decisions of employees of the department who were instructed by these same senior officials. Furthermore, the Child Welfare Commission in its appellate role is not independent. The Minister can reverse it as he, in his sole discretion, may determine. Thus, the Child Welfare Commission in its appellate role is really just a creature of the Minister. To be a meaningful body, it must have some degree of independence.

We suggest then that the Child Welfare Commission be continued under that name or under the name of Child Welfare Appeal Board to hear appeals from decisions of the Director, child care workers and other employees of the department after the first stage appeal that we have provided for earlier. We suggest that this Child Welfare Appeal Board be composed of persons not in government service. We suggest it be three to five persons who would convene as needed to hear appeals. Their remuneration could be on a per diem basis. If the volume of work warranted, it could sit alternately in Edmonton and Calgary or in the regions.

Some means of selecting the members of this appeal board must be devised so that the board can be seen to be truly independent and not merely a creature of the government put in place to protect government employees or a government department. Probably the chairman should have some legal training or background in conducting hearings. We repeat our earlier remark that however it is composed, it should be required to always give written reasons for its decisions, especially since it is a final decision.

It follows that we are recommending the amendment of s. 93 to make the Child Welfare Commission an appeal body. All the other powers in that section are being exercised by others and should be transferred to those others.

CHAPTER 29

THE DIRECTOR OF CHILD WELFARE

As the Child Welfare Act is now and as we expect that it will be, the Director is the most important officer in the child welfare system. Section 94 of the Act requires the Director to administer the Act under the direction of the Minister. The Director must investigate allegations that children need protection, apply for wardship, be the guardian of all wards and provide care and education for them. In short, the Director must assume all the duties and responsibilities of a parent with respect to temporary and permanent wards.

Unfortunately some incumbents have been weak. The Director's authority has been undermined by ambitious rivals. Lines of authority have been blurred by splitting away some of the Director's functions. The control of child welfare matters seems to be in the hands of managers who are accountants, personnel people and public relations specialists but with no background in child welfare and little appreciation of the rights of a child. However, if things go wrong, the finger of blame is pointed at the Director of Child Welfare.

The first duty of the Director is to protect the rights of each ward. Since there are several thousand wards at any one time this is a formidable task. They have the right to be protected, fed, clothed and sheltered, to name a few of their rights. This is done by placing a child with caretaking people, usually foster parents, and paying them to look after the child. The Director also has the duty to protect children at risk who are not wards.

The actual arrangements are usually made by social workers acting in the Director's name. The Director is not, and cannot be, personally involved in making these arrangements. The social workers, in making the arrangements, act in accordance with approved rules of procedure. These rules reflect minimum standards to be observed in the care of a ward. They should be drawn up for and approved by the Director of Child Welfare.

Once standards have been set and rules drawn up, Deputy Directors could be delegated to supervise the delivery of protection, food, clothing and shelter. It is not enough to devise rules and say, "This is the way you do it. Now go and do it." There must be, in addition, a means of monitoring performance and this is the most important duty of the Director.

Clearly there is a dual role to the Director's function in respect of wards. One is as a supplier of care; the other is to guard and protect the child's rights. It may be thought that these two aspects are in conflict and that there should be two officers -

one supplying services to the child and the other judging and accepting or rejecting services. That would mean two separate and parallel hierarchies of civil servants with separate chiefs. Those monitoring would require a staff of social workers to judge the work of the social workers delivering the service. We do not see that this is necessary or that the expense can be justified. A parent fulfills both roles every day, although the threat of potential intervention by the department may act as a monitor with respect to some parents. We believe one Director with enough Deputy Directors and staff can perform the dual role of a parent of several thousand children.

It has been suggested that it is inherently bad management practice to let the performer judge the quality of his performance. We agree, but the system we are suggesting would get around that objection. The Deputy Directors would be given standards and authority to deliver in accordance with those standards. The Director would take no direct part in delivery. The Director would concentrate on monitoring performance in accordance with the laid down standards. To do this it is necessary that there be an adequate reporting system to the Director so that the Director knows what is being done with the wards. We have already suggested an initial information system in the case of wardship orders. A copy of each one should be sent to the Director. That would give the Director an inventory of all wards.

If placement committees were required to send reports of each placement to the Director, that would greatly help in monitoring. We would expect that in today's era of computers the repeated movement of a ward would be promptly brought to the attention of the Director, who would be expected to investigate the same as an indication of a potential source of problems. With a few such automatic reporting systems and adequate staff to keep track of them and detect significant developments such as multiple placements, we believe the Director could perform the guardianship role very well. We would expect the Director to set up procedures and mechanisms whereby he can satisfy himself that the Deputy Directors are ensuring that social workers and supervisors are monitoring each individual ward on a regular basis.

We think the rules would have to provide specific instructions as to when permission would have to be sought for medical treatment of a ward. We contemplate that some emergency treatment and rather minor treatments could be consented to by the social worker. Other consents could only be given by supervisors and still others only by Deputy Directors. This whole area of medical consents and other consents respecting wards should be re-examined to see if a viable safe system of consent by foster parents in appropriate situations can be authorized.

In the N.R.T.R. case it appears that no one thought of the necessity of obtaining consent to the treatment that was to be given to the children. If the rules spell this out, we think the cases of overlooking the necessity for consents will be rare.

If the child welfare system is to operate effectively, it is necessary that the powers and authority of the Director be restored as contemplated by the Act. The Director should have stature within the department commensurate with his duties and responsibilities. We propose to deal with this in greater detail in a subsequent chapter.

The administrative powers of the Child Welfare Commission contained in s. 93(4) of the present Act should be transferred to the Director. If the Director is going to be in charge, the Director should have power to do all those things.

CHAPTER 30

THE SOCIAL CARE FACILITIES LICENSING ACT

The Social Care Facilities Licensing Act requires that every day care centre and every institution which provides care for four or more children under 18 must be licensed under that Act. It provides for the appointment of a Director of Social Care Facilities to whom applications for licenses shall be made. The application is to be made on a form prescribed by him and, included therein, there must be a statement of the maximum number of children intended to be accommodated or cared for and it must be accompanied by a license fee fixed in accordance with the regulations.

The Director of Social Care Facilities has the power of inspection to see if there is compliance with the regulations. He has the power to enter any premises with the permission of the licensee, but he can enter day care centres without the permission of the licensee. He can, if he thinks the facility is not providing proper care or there is non-compliance with the regulations, order changes. Also he can, on 30 days notice, cancel or suspend the license. There is an appeal from him to an appeal board to be established by the Minister and then to a further appeal to the Court of Queen's Bench. The Minister can, at any time, issue a stop order to prevent the operation of the facility.

The only regulations that have been passed under this Act are regulations to regulate the operation of day care centres. There are no regulations governing the operation of other institutions. There seems to be, then, no standards established in the Act or by regulations with which the licensee must comply.

There is another act that must be looked at simultaneously. That is the Social Care Facilities Review Committee Act. This Act provides for a Social Care Facilities Review Committee of not more than 12 members and may include M.L.A.'s who are not members of the executive council. That committee may divide itself into sub-committees and, according to the Act, is required from time to time to visit all facilities, which includes institutions for the care of children. The committee seems to manage to visit each facility in the province at least once every two years. This committee may carry out a visit or investigation and enter a facility at any reasonable hour. It is not required to seek permission of the licensee, as is the Director of Social Care Facilities. The committee may also investigate complaints received by it or referred to it by the Minister. The Act requires the committee, as soon as possible after the end of each year, to prepare and submit to the Minister a report of its activities in that year. In practice the committee does not wait until the end of the year to report on the results of an investigation if there is something significant to report that the committee feels should be brought to the attention of the Minister at once.

The review committee seems to have a dual function. It inspects facilities to see if there is compliance with the regulations, if any. It also considers the political implications of any situation it may find. For example, if there is local dissatisfaction with a facility, that fact is drawn to the attention of the local M.L.A. If the review committee detects what it believes to be a lack of compliance with standards, that is drawn to the attention of the Minister, who may in turn alert the Director of Social Care Facilities to carry out an inspection with a consideration to issue a change order or suspend or cancel a license. It seems curious that this review committee may enter any licensed facility at any reasonable hour without the permission of the licensee. The Director of Social Care Facilities, on the other hand, must, unless it is a day care centre, obtain the permission of the licensee to enter.

This arrangement is made to draw the Minister into the midst of the day-to-day activities of the licensing officer. This is particularly so if political considerations have entered into the picture. It reduces the authority of the Director of Social Care Facilities and has the effect of reducing the Minister to the role of license inspector.

We can appreciate that a government in power wants to be and should be alert to the political aspects of all its activities.

If it does not do that, it will not remain in power and thus will no longer be in a position to implement policies it believes in. The method employed by these two statutes, however, to achieve that end has the unfortunate side effect of undermining the authority and independence of its employees appointed to carry out the policy of its statutes. One Director of Social Care Facilities resigned when he tried to administer the Act in accordance with the regulations and had been thwarted by interference from superiors.

We deplore the absence of regulations with regard to institutions other than day care centres. This situation should be corrected. Earlier in this report we discussed at length the power of the department to control the activities of licensees by establishing standards and regulations to which the licensees had to conform. Of course, if there are no regulations or standards, it is pretty difficult to say what is conforming and what is not. We can understand that in some areas institutions are testing new programs to determine their merit. They need to be licensed to go ahead, but at the same time it is difficult to establish standards in a new and untested field. In that case, it seems to us, there is a need for close monitoring after there has been a full and careful review of the institution's program by experts in the field concerned. Then at least the Director of Social Care Facilities will be able to check the facility for adherence to its program as proposed before the license was issued.

The Director of Social Care Facilities should have the right of entry to any licensed premises at any reasonable hour. His role should be elevated so that he can ensure compliance with the approved plan without hindrance. He should not be in a subordinate position to that of the review committee. He should have the authority to perform his duties. These Acts between them succeed in having the same job done twice; once by the Director of Social Care Facilities, who is supposed to bring to it an element of expertise and a second time by a committee of political appointees, who are supposed to bring to the job common sense plus an acute awareness of the political implications of the institution. It appears to us from the few inspections we have examined that the review committee does as good, if not a better, job of inspecting as the present license inspector but because of the responsibilities of the Director of Social Care Facilities, the license inspections should be more thorough. The Director of Social Care Facilities should have enough staff to inspect adequately and often enough.

As this report was being prepared the "P" case was in the news. At various times the "P" had up to 15 children that were neither theirs, naturally or by adoption. They had been placed there by the parents. None was a ward. No one gave us a satisfactory explanation why the home was not licensed, nor why the department was financing renovations to make the home physically eligible for a license. If it had been licensed, perhaps the assaults would not have occurred.

CHAPTER 31

DEPARTMENT MORALE

At the beginning of this report we outlined the atmosphere when we were appointed. Morale in the department was at a very low ebb. Almost immediately after a new Minister came in a series of unfortunate events attracted the attention of the media with accompanying headlines. These could not have been the personal responsibility of the Minister, but the media tried to make them so. An air of mutual mistrust developed in the department.

The foster child, "B" ., had been killed in January, 1980. In March, 1980 the Northern Regional Treatment Residence story hit the headlines. In April, 1980 the prostitute's child, "K" , was killed. In May, 1980 "A" was killed. All these events had some connection with the department. In addition, it appeared that someone in the department was leaking information to the Edmonton Journal reporter. It is not surprising that the Minister mistrusted almost everyone around him.

In this atmosphere the Minister consulted his senior people less and less. He did not always discuss proposed changes with them. He began intervening in specific cases. In effect, he began to involve himself at the case work level and make decisions with regard to specific cases without consultation with his senior people. Often these decisions were politically motivated, rather than in accordance with departmental policy.

That tendency seems to have been carried into the plans for regionalization. We were told that Regional Directors being on the spot would be able to render prompt decisions in matters from time to time and save having to refer them to central office. An example was cited to us. In a family on welfare there was a diabetic child. The mother heard of the new insulin pumps for diabetic patients and asked the department to give one to her child. There was no authority to supply such equipment. That was explained to the mother and the request refused. The mother went to her M.L.A., who in turn went to the Minister, who in turn instructed the Regional Director to supply one of these pumps to the child. That, in our view, is not good management practice. Furthermore, it is not decision making in the region at all. It is continuing decision making by the Minister and the decision was not in accord with the policy laid down.

When we began our work, the person next to the Minister was the Chief Deputy Minister and under him were other Deputy Ministers. Problems flowed upward and if they could not be dealt with at a lower level were finally dealt with by the Chief Deputy Minister. Only problems of policy went to the Minister. That has now been changed. The present set up has three Deputy Ministers, each of whom has some involvement in children's care. It appears to have led to friction at that level rather than having issues more easily decided.

In 1981 there were frequent changes in the senior management. These may have been as a result of the reorganization that was going on. It did become a bit ridiculous. We had occasion to see some officials fairly often. We had to ask them each time what their present jobs were and frequently they were different from the ones they had held a month before. This changing of occupations and roles did not seem to be in accordance with any plan of reorganization that was published to the people affected. No one seemed to know what would happen next.

The actions of the Ombudsman also affected morale in the department. The pattern of proceeding by the Ombudsman was that the media would uncover something and publish headlines about it. In fact, the media went on and demanded that the Ombudsman investigate in some instances. When the Ombudsman decided that he had jurisdiction to inquire, in two instances he called a press conference to announce that he was going to investigate. Then he investigated. Then he called a press conference to announce his findings after having delivered a copy of his report to the Minister. This appears to be a departure from the procedure contemplated in the Ombudsman's Act. Further, it appears to be calculated to bring pressure on the Minister, as indeed it did. We have already quoted from an Edmonton Journal column with respect to the Ombudsman's Report on Westfield. The inference there was "Obey the Ombudsman or take the consequences". The columnist, of course, had assumed that everything the Ombudsman recommended was correct.

In that regard the Ombudsman recommended that the use of "quiet rooms" should be limited to 15 minutes at a time. He based this on recommendations of experts whom he interviewed. There are other experts of equal stature who do not agree with that arbitrary figure, yet the Ombudsman seemed to take the position that only his view was right and had to be obeyed. This was bound to have a detrimental effect on department morale.

In his report on foster care he recommended that certain members of the department's management team be transferred. They were the Director of Child Welfare, the Supervisor of the Child Protection Registry and the Supervisor of the Child Protection Registry in 1975, although this latter person was no longer the Supervisor of the Child Protection Registry. This recommendation came after his review of the fact that in 1975 he recommended that consideration be given to computerizing the Child Protection Registry. He seemed to hold the then supervisor responsible for the fact that the computerizing had not been done. This ignores the correspondence between the Ombudsman and the Chief Deputy Minister in 1976 explaining why it would not be done at that time and citing the technical opinion of a computer expert consulted by the department. He also blamed the Director of Child Welfare and the current supervisor of the Child Protection Registry for the way in which the Child Protection Registry was being maintained. He said cross-indexing was essential. There were no such requirements in the Act and indeed it was only the Ombudsman's opinion of how the registry should be maintained. The then supervisor had not been so instructed.

The Ombudsman, after complaining about the Child Protection Registry, went on to expound his theory of management as follows (Page 57 of his report):

> "In my assessment of this major operation, I have noted the proven administrative advantages in periodically assigning new career challenges within a given administration, even when no noticeable administrative failures have surfaced."

He then went on to state:

> "For that reason, I have reached the inescapable conclusion that considering the obvious inherent weaknesses of the registry, a shock wave throughout the department is needed to accomplish administrative reforms."

The Minister acted on the recommendation of the Ombudsman even though the report did not reveal any specific fault of any one of the three. The Minister says they did not offer any defence. We cannot see how anything they could say would refute the Ombudsman's management theories. They told the Minister that removing them was unfair and would hurt morale. As for computerization, the most senior man in the department, the Chief Deputy Minister, had told the Ombudsman that the department would not be following his suggestions and gave reasons for this. The reasons had nothing to do with the three whose transfers the Ombudsman recommended.'

There is another serious and peculiar aspect to this. The Ombudsman's view that a "shock wave" was needed resulting in the removal of three senior persons was largely based on his assertion that he had, in 1975, recommended the immediate computerization of the Child Protection Registry. In fact, his recommendation to the department did not use the word "immediate". That was only in a press release. The Minister could have found this out. The Ombudsman knew in 1981 from his earlier correspondence with the Chief Deputy Minister that the department was not proceeding directly to the computerization of the Child Protection Registry but proceeding to computerization of all child welfare records which would ultimately include the Child Protection Registry. The Minister could have found this out too.

The circumstances leading up to the Ombudsman's 1981 recommendation regarding the removal of the senior employees cannot be overlooked. In all previous investigations involving review of records, the Ombudsman had presented a letter to the department expressing his intention to investigate the case of a named person and asking the Minister's authority to look at the records of that person. The Minister, through the Chief Deputy, without question, responded with a letter of authority. When the Ombudsman undertook this investigation of foster care he did not proceed in that way. His investigator arrived at the office of the Supervisor of the Child Protection Registry and asked to see 10 or 11 specific files. She replied that she could not show them to him unless he had a letter of authority from the Minister (which is in accord with the provisions of s. 3 of the Act). Later the same day the investigator and the Ombudsman came back. There was talk that she was trying to thwart the activities of the Ombudsman. In fact, the conversation got so loud that the former Supervisor of the Child Protection Registry came out of his office to see what the row was about. The Ombudsman then proceeded to the office of the Director of Child Welfare, found that he was busy, so the Ombudsman then went to the Minister's office. He got his letter of authority in due course and did see the files that he wanted to see.

In his report he recommended that the Supervisor of the Child Protection Registry be transferred, that the former supervisor be transferred and that the Director of Child Welfare be transferred. The coincidence that the three people who were present on that day when he was refused access to the records without a letter of authority are the ones that he recommended for his shock wave cannot be overlooked. The situation appears to be that there was no justification for the recommendation that the three people be transferred.

What is surprising and what makes the Ombudsman's recommendations and manner of proceeding relevant to our study is that the Minister acted on these recommendations immediately. He said to these employees that he felt compelled to do so. That would seem to indicate that in the Minister's mind the Ombudsman was all powerful and could not be questioned. This is particularly serious when the Ombudsman was not dealing with matters which were clearly right or wrong, nor in regard to persons who were guilty of wrongdoing, but was dealing with matters on which informed people could differ.

The Minister owed a duty to the department to stand behind its members and defend them against powerful outsiders such as the Ombudsman. This is particularly so when the Ombudsman's power is largely derived from his access to the press and the employees do not have such access.

These events certainly caused the morale within the department to go down. Three fairly senior individuals in the department were singled out for discipline by the Ombudsman for the perceived need to shock the department into activity. The Minister did not stand up to the Ombudsman: the Minister acquiesced. Word spread throughout the department: Whom will the Ombudsman single out next? It is no wonder that employees began to fear for their jobs.

It may be that the Minister subscribed to the Ombudsman's theory of management: that it is a good thing to fire a few people every once in a while to scare everybody else. From the point of view of the individuals involved it was a very serious thing. Their careers were ruined. It is true that they have been transferred to other jobs since there was no justification for firing them outright. If they wish to stay in them they can continue, we suppose, to retirement. The department will continue to pay their salaries whether it is getting any return for its money or not. This, in our view, is not a good result.

We have been harsh about this aspect of the Ombudsman's report because of its adverse effect on the department. We do not condemn all the activities of the Ombudsman by any means. His activities have indeed uncovered sloppy practice, negligent practice, lack of activity when there should have been activity and so forth. This is because there has been no meaningful system of checking what has been going on with children in care. If our recommendation for an effective monitoring system is adopted and if it operates as it should so that individual social workers in charge of children's cases always have in mind and do attempt to achieve protection of the child's rights, there will be less need for investigations by the Ombudsman or by anyone else.

CHAPTER 32

REGIONALIZATION

In early 1981 there was an announcement that there was going to be major reorganization of the Department of Social Services to improve administration. This became known as the regionalization plan. It is sometimes referred to as de-centralization. This is to emphasize the avowed intention of transferring many decision-making powers from central office in Edmonton to regional headquarters or lower. Stated aims of this process are:

1. To improve service delivery to Albertans through a de-centralization of responsibility and decision-making from central office to regional centres.

2. To ensure programs are more readily accessible to client groups, recipients and provincial residents.

3. To achieve greater co-ordination of social and health programs at the community level.

4. To strengthen the capability to anticipate and respond quickly to major issues.

The Minister's Executive Assistant was put in charge of implementation of the regionalization plan. The Minister did not follow the lead of Ontario when that province undertook a major reorganization of social services and children's services. In Ontario outside experts were appointed to the office of Deputy Minister and Assistant Deputy Ministers for a stated term. During that term they were to devise and implement a major reorganization. When that was done and their term had expired, they would leave the department and return to their former occupations. Thus, since they would be leaving the department, they would not in implementing reorganization be tempted to create positions of power for themselves. Perhaps that possibility did not occur to the Minister here.

Regionalization is now a fact in Alberta. We are told that it is not a fact with respect to child welfare. We have been told that involvement of child welfare in regionalization has been studiously avoided pending receipt of our Report. It is expected that we will comment on whether child welfare can be accommodated in the regionalization plan or more likely it is expected that we will be expected to say how it can be accommodated in the regionalization plan.

The first step in regionalization was to divide the province into six administrative regions. Each region is further sub-divided into not more than three areas and in each area there are a number of district offices sufficient to suit the population to be served.

In each regional office there is a Regional Director, his or her assistant, a Manager of Residential Resources, a Manager of Finance Operations and Support, a Planning Officer, a Community Relations Officer and the Area Managers. The Manager of Finance Operations and Support is in charge of financial matters, offices and office equipment and personnel. It is a management headquarters with a substantial element of public relations. Both the Regional Director and the Community Relations Officer have as part of their function to keep in touch with public opinion in the region. That is a type of monitoring to keep track of how Social Services is regarded by the public.

The Area Managers, in turn, supervise a number of district offices. They organize the deployment of the staff and resources. The Area Manager's office is also to provide for program consultation and client service consultation. In effect, the Area Manager's office is to help field staff by offering guidance with regard to program implementation. Also clients who wish to discuss the service that they are receiving at the district office level are directed to the Area Manager's office for such consultation. The Area Managers are to report directly to the Regional Manager.

The district offices have a District Office Manager, supervisors and social workers and other staff workers to deliver service to the clients. They are to act in accord with guidelines, procedural rules and standards. Anyone having business with the Department of Social Services as a client usually has the first contact with the department at the district office level. In fact, the vast majority of dealings with the department are done at this level. This is the level where service is delivered and most decisions concerning service to clients are made.

We are not convinced that regionalization as it is actually operating does, in fact, de-centralize decision-making that is of any importance. The Associate Deputy Minister and a Regional Director cited the insulin pump case mentioned earlier as an example of de-centralized decision-making and seemed very proud of that. It soon developed that in fact the Regional Director had not made the decision at all. The Regional Director had merely obeyed instructions that came from the Minister's office. Instead of that being an example of de-centralized decision-making, it seemed to be an example of how a ministerial order could be carried out by an authoritative person in the region despite regulations to the contrary.

The Associate Deputy Minister gave a further illustration of the efficiency of the regionalization program. We were told that a complaining citizen would have access to the Regional Director. If the Regional Director could not deal with the matter satisfactorily, a phone call could be placed to the Associate Deputy Minister and if the Associate Deputy Minister found it necessary, a phone call would be placed to the Minister. As it was put to us, with this system a complaining citizen is only two phone calls from the Minister. Contrary to the Associate Deputy Minister's opinion, we think that is a further illustration not of de-centralization of decision-making but improvement of communications so that the Minister can make more decisions that should have been dealt with in the field.

Under the second aim of de-centralization or regionalization, it is suggested that this process will make some programs more readily accessible to client groups and residents. Programs are accessible in the normal course at district offices. If the population in an area warrants the establishment of a district office, one is established. This does not seem to have anything to do with regionalization.

The third aim is to achieve greater co-ordination of social and health programs at the community level. That can happen only if the programs to be co-ordinated are available at the district office. If, for example, there is small demand for some health care program in a district office area, it is unlikely that a person trained in that program will be kept on staff in a place where there is very little demand. No doubt, however, if all social service programs that are to be applied in the district are available at one district office instead of having child welfare and social assistance in one office and a health care program in a community health office or somewhere else, then there will be greater co-ordination. It becomes a matter of putting all the services in the district at one location.

The fourth aim to strengthen the capability to anticipate and respond quickly to major issues may well be achieved by regionalization. We read "major issues" as being situations that can arise which are potentially sensational and possibly embarrassing to the department and the government. The Associate Deputy Minister suggested to us that if at the time of the N.R.T.R. case at Peace River there had been a Regional Director at McLennan, as there now is, with a Community Relations Officer on his staff, they would have heard of the N.R.T.R. situation earlier and the bizarre treatments would have been stopped earlier. In fact, they were stopped as soon as news of them reached the Director of Child Welfare in Edmonton. The route that news followed was from employees to the Ombudsman to the Director. It is suggested that if there had been a regional office at McLennan at the time, the news would have gone in that direction. That is quite possible.

What is significant about regionalization is not the stated aims, but the resulting division of the department of Social Services. The department has been divided into the Social Services Division headed by a Deputy Minister, Health Services Division headed by a Deputy Minister and the Services Delivery Division headed by an Associate Deputy Minister, whom we hereafter call the A.D.M. This is the person who was the Executive Assistant charged with implementing regionalization.

Reporting directly to the A.D.M. are the Regional Directors and the following branches: Operations Support, Planning Secretariat, Institutional Resources, Management and Operational Audit and Child Welfare. It must be remembered that Child Welfare represents about 1/3 of the Department of Social Services budget. In addition, it is planned that all services be delivered through the regional network. In fact, most of them are being delivered that way now. It is the A.D.M., who is in charge of all this, who reports to the Minister. The two Deputy Ministers whose programs are being delivered by the Regional Directors are left out of the chain. The A.D.M. has thus assumed control of delivery to the field and communications from the field and has isolated the other two divisions from field operations. The A.D.M. told us that there was no restriction on communication between divisions at various levels except for a restriction on calling committee meetings in the regions. In November, 1982 the A.D.M. wrote the heads of the other two divisions telling them that program staff who wished to visit personnel in the regions would have to arrange for such visits through the Regional Director well in advance of the date proposed. In addition, they were advised that the Regional Director or his nominee would be present at any such meetings. When faced with the apparent inconsistency between that letter and the A.D.M.'s earlier statement to us, we were not given a satisfactory explanation. We know that negotiations are in progress with a view to easing the restrictions on communications with personnel of the A.D.M.'s division.

We regret to say that the A.D.M. appeared to be less than frank and forthright with us. The A.D.M. told us that since regionalization had been put in place the problem of priority for access to Westfield from the various regions had been solved and there was no waiting list. Our information is that that has not been solved. There is a waiting list for Westfield and one of the problems at Westfield is that children who do not need to be there are there because of compulsory care orders.

It is apparent that there is a power struggle going on within the department. People in charge of programs have little or no authority with respect to delivery and monitoring of those programs. Until this is sorted out and clear logical lines of authority and monitoring are established, we can foresee continual unrest and turmoil within the department.

That this will affect child welfare, we have no doubt. It is true the Director of Child Welfare is within the Services Delivery Division so that communication from division to division is not as much a problem with that Director as for some other program directors. The problem for the Director of Child Welfare is the guardian role. To exercise effectively that statutory authority, the Director must be on an equal rank with the person supervising the Regional Directors, not as presently planned on the same level with the Regional Directors.

CHAPTER 33

CHILD WELFARE IN REGIONALIZATION

In child welfare if decision-making concerning a ward is done as we suggest, almost all of the decisions concerning the treatment of children will be made at the district office level by social workers, supervisors and placement committees. Furthermore, almost all decisions regarding wards, other than decisions by courts, are decisions concerning treatment or placement. The rightness or wrongness of such decisions is determined by comparison with laid down standards or the experience of social workers. We do not see that anyone in the present plan for the Regional Director's staff would have any competence in the field of child welfare. We see this as a serious deficiency. Reliance would have to be placed on the supervisors and social workers in the district office as it has always been, instead of having firm direction in the region.

If in fact consultants move to the regions as it is claimed they are doing as a result of regionalization, then specialized services may well be more available to wards than they are now. We have referred earlier to the fact that many wards need psychological testing and psychiatric services. If people in these fields can be induced to move to the regions, that will give a beneficial result.

The third aim of regionalization, greater co-ordination of services, will be beneficial to the child welfare program if the department does have the services required in the district office. For example, mental health care programs might be very helpful in dealing with some wards if that service were available in the district where the ward is living. It is simply a question of having the service available to be co-ordinated with other services. If the service is not available, there can be no co-ordination.

We have already discussed the fourth aim of regionalization to deal promptly and effectively with major issues, particularly in reference to the N.R.T.R. case. It is our view that if the child welfare program had been properly run, that major issue would never have arisen to be detected by a Regional Director and effectively dealt with. In our view, the proper operation of an effective child welfare program under the Child Welfare Act has little to do with regionalization. In fact, if care is not taken, regionalization may worsen the delivery of child welfare programs.

Adult recipients of Social Service programs can, and do voice, their dissatisfaction with poor or inadequate service. Wards, on the other hand, are children. Usually the only person who is available to speak for them is the social worker or, as we propose, perhaps the foster parents. The social worker is not a person who is likely to create any political embarrassment. Therefore, by the very nature of things, the spokesman for the child may tend to be ignored by the Regional Director who is the person in the region who can make things happen.

We point out at that most of the concern of the Child Welfare Branch operating under the Child Welfare Act is with wards, children who have been removed from their families. It is the statutory duty of the Director of Child Welfare to care for them and protect their rights as we have repeatedly pointed out. We believe a much improved system of child welfare can be achieved and fitted into the regionalization program.

At the district office level there are social workers and supervisors who are responsible to the Regional Director. The regional management team is responsible for seeing that there are enough supervisors and child care workers to meet the demand. Their pay and hours of work, their typewriters and stationery, office supplies and so forth are controlled through the Regional Director. The way they do their work is in part governed by their training as child care workers and in part by standards and procedures prepared for and promulgated by the Director of Child Welfare.

We believe the manner of delivery of child welfare services in the region should be strengthened. There should be a Deputy

Director of Child Welfare in each region. That person should be chosen by the Director of Child Welfare to be that Director's deputy in that region. The Deputy Director of Child Welfare thus appointed to a region would be in charge of child welfare programs within the region. He would be subject to the direction of the Regional Director. The child welfare staff and support services would be supplied by the Regional Director. In short, the Regional Director would be supplied with a manager for child welfare services in his region by the Director of Child Welfare. The Deputy Director in his role of Manager for Child Welfare Services in the region, would be expected to compete for a proper share of the regional resources to ensure adequate delivery of child welfare services. The Deputy Director of Child Welfare would have authority in child welfare matters within the region, but the final authority within the region, even in child welfare matters, would rest in the Regional Director.

An important function of the Deputy Director of Child Welfare would be to monitor the delivery of all child welfare programs in the region. He would also be responsible for the dissemination to the appropriate people within the region of all procedures manuals, standards and rules in child welfare matters. His primary reporting function would be to the Regional Director, but he would also be required to forward regular monitoring reports with regard to wards within the region to the Director of Child Welfare in Edmonton.

If the Deputy Director of Child Welfare is dissatisfied with the manner of delivery of services to children in the region, he must have direct access to the Director of Child Welfare, who will be expected to take the matter up with the immediate superior of the Regional Director, who we recommend would be equal in rank to the Director of Child Welfare and below the rank of Deputy Minister. Only in this way can the Director fulfill his guardianship role. If the difference has not been settled at that point, the Director of Child Welfare can utilize the appeal procedure we outlined earlier leading to a final appeal to the Child Welfare Commission.

Thus the Deputy Director of Child Welfare would also fill the role of guardian of wards in the region, but in the name of the Director of Child Welfare. The Deputy would be authorized to consent to special medical treatments and procedures for wards if he deemed the same acceptable. Certain types of medical treatment may require the consent of the Director of Child Welfare in Edmonton and not only the consent of a Deputy. It may also be that there should be someone below the Deputy Director of Child Welfare who could consent to medical treatment in emergency situations or routine minor treatments. We think that matter can be worked out and guidelines drawn up.

The Director of Child Welfare, in accordance with the Child Welfare Act, would be responsible for having prepared and promulgated rules of procedure, standards and manuals for the guidance of child welfare workers and others delivering services to wards. All plans in respect of services to children, whether developed in the office of the Director of Child Welfare or elsewhere in the department, should be implemented in the regions only with the approval of the Director of Child Welfare. He would also be responsible for selecting and appointing Deputy Directors of Child Welfare to work in the regions as above described. Once he had so appointed a Deputy, he would not have the authority to remove that Deputy from his post in the region without the consent of the Regional Director. As we see it, the Regional Director, however, should have the authority to object to a particular Deputy that was supplied to him if he has reasonable grounds for so doing. The Director would then have to find and appoint another Deputy to replace that one. Any stalemates would have to be resolved by negotiation between the Director and Regional Director's superior and, if necessary, by involving the Deputy Minister.

The Director of Child Welfare should be receiving copies of every order made by any court with respect to a ward. In addition, he should receive monitoring reports on the placement of each child. These would come from the placement committee through the Deputy Director to the Director. We do not wish to get into the details of what should be in the report. We think there would be less detail in the monitoring reports from the Deputy to the Director than there would be from the field to the Deputy Director. The essential is that the Director have enough information to judge whether policies, guidelines and standards are being observed. If he detects an apparent deviation, he would be entitled to make inquiries of his Deputy, but if he felt compelled to make changes in a program that had been approved by the Deputy, he would only be able to do so by taking the matter up with the Regional Director and giving his reasons for wanting the changes made. The Deputy. Director must have free access to both the Regional Director and the Director of Child Welfare and vice versa.

In child welfare matters area managers and district office managers would be subject to the direction of the Deputy Director but under the overall control of the Regional Director. We see the Area Manager's office as being largely administrative in function.

The District Office Manager should have some social service work background and thus have some capability in the field of child welfare, so that that person could serve as a consultant to the supervisors if that person possessed the necessary skills. The supervisors should also be persons with training and skills in the child welfare field. They would supervise the work of the child care workers under them and monitor that work.

The position of the Director of Child Welfare has been downgraded in the regionalization planning. The Act says the Director is responsible to the Minister. The Director in the present organization is subject to the Associate Deputy Minister. We do not object to the Director being subject to a Deputy Minister instead of the Minister. However, the present regionalization plan is for each Regional Director to be subject to the Associate Deputy Minister. In our view, the person in charge of the Regional Directors should be equal in rank to the Director of Child Welfare, and not higher, so as not to undermine the authority of the Director of Child Welfare.

In our view, if regionalization is going to work well in child welfare matters, the Director of Child Welfare must have the stature and rank to carry out his or her duties. The Director is the one who speaks for the child. That Director must have sufficient security in office to be able to stand up for children without fear of reprisal or removal. Under the present arrangement, it appears that the Director of Child Welfare would have no control over planning, for instance, since the Planning Secretariat reports directly to the Associate Deputy Minister, who in turn instructs the Director of Child Welfare.

We recommend that there should be one person in charge of the six Regional Directors and we will refer, for our purposes, to that person as the Superintendent of Regions. The Director of Child Welfare must have equal rank with the Superintendent. They should both report to the same Deputy Minister. The most likely area of conflict between them would be in the area of finance and staffing. The Director of Child Welfare might want to implement a program in the regions that would require additional staffing. The Superintendent of Regions, having responsibility for financial matters and staff, might not agree. The two would attend on the Deputy Minister to whom they reported to settle the matter, having regard for broad departmental considerations. The present arrangement is that the Associate Deputy Minister occupies two positions, Superintendent of Regions and a kind of Deputy Minister to whom the Director of Child Welfare must report. We think this situation is not satisfactory.

We comment on these matters only as they affect child welfare. It may be from an administrative point of view that the Minister thinks having three Deputy Ministers of almost equal rank is a good arrangement. We have already suggested that it is not, but that is really not too much our concern so long as the person responsible for the wards of the government has authority and stature sufficient to be effective in the interests of the wards.

CHAPTER 34

CONCLUDING REMARKS

We have throughout this report made recommendations. There are probably more than sixty recommendations. We have not extracted them because we believe that it is important to consider them in the context of the discussion of the problems they are intended to eliminate. The recommendations deal with proposed radical changes in the organizational set-up of the department and will require legislative changes. There are suggestions for changes to secure the rights of children, to give clear recognition to the duties of guardianship and of delivering services to children and their families and to provide definite lines of authority which we hope will improve both the delivery of service and the monitoring of the same.

We have recommended substantial changes in the grounds for apprehending children which we expect will greatly reduce the number of children taken into care and we hope that this will release funds and workers for preventive social work.

We are aware that as a result of our recommendations limiting the grounds for apprehension, that a substantial number of children previously apprehended on the grounds of neglect, will no longer be separated from their families. It is our recommendation that training and family support services be applied so that the neglected child will be able to stay with the family. Money thus spent should save the child from entrance into the child welfare system. We recommend that prevention and support services is the preferred route, rather than apprehension for the neglected child.

We have recommended changes in the role and procedures of the courts.

We have recommended steps which should lead to concentrated concern with a child and his family immediately after apprehension with a view to attempting to rectify problems promptly and determining as soon as possible whether reunification of the child with the family is likely and either working towards this or planning a new life for the child.

We have recommended procedures for the early assessment of children and recommended a system of local placement committees which we trust will prevent children from drifting in the system.

Our recommendations also deal with setting up a comprehensive system of appeals which should be available to the Director of Child Welfare and his delegates in their guardianship roles and should also be available to children and to others who are closely connected with children who become involved with the child welfare system.

We are recommending that specific written standards be developed and made available throughout the child welfare system and that delivery service be provided and monitored in accordance with known and enforceable standards.

We are seeking to increase the power and the stature of the Director of Child Welfare within the department in order to enable him to properly monitor services to children and to try to ensure that children are moved through and, if possible, out of the child welfare system as quickly as possible.

We have recommended the repeal of the provisions relating to compulsory care.

There are recommendations which are aimed at substantially reducing the case loads of social workers, at improving the foster care system and there are recommendations stressing the importance of early and intensive work with families and the chilren with a view to preventing the children from coming into care, recognizing that the taking of children into care is in itself some evidence of the failure of the system. The recommendations throughout are based on the premise that fundamental to the improved operation of the child welfare system is the concept of preventive services, gate keeping into the child welfare system and the importance of competent social work and competent supervision of social work with a direct line of authority leading to a powerful person in the department who has the responsibility of monitoring the operation of the system.

We are convinced that the ills of the child welfare system can only be ameliorated if prevention services are recognized as being as important as services to apprehended children and that money is made available for both aspects of child welfare work recognizing that it is unlikely that the cost effectiveness of preventive spending can be demonstrated.

It is apparent to us that there are still grave problems within the Department of Social Services. There is a power struggle going on that cannot help but adversely affect child welfare among other branches of the department. Child welfare represents about one third of the total department budget. It seems to us then that child welfare is, in the scheme of things, a significant minority that ought to be seriously considered. Aside from its budgetary significance, child welfare in the past has been the source of far more than one third of the adverse publicity about the Department of Social Services. So long as child welfare is submerged to other interests in the department, we think this will continue.

We have been critical of department organization and have suggested organizational arrangements with a view to better protecting children whose misfortune it is to have become wards of the government. It is the interests of these children that must be protected to the best of the ability of the Government of Alberta. We have noted a tendency in the former Minister and some others to compare Alberta's child welfare program with other provinces. That may be a good political argument, but we think the Government of Alberta can rise above that attitude. The province should be able to say, if it is so, that its child welfare program truly protects the rights of children in its care, not that it is doing better than other provinces and, therefore, because of that it need do no more.

In the course of our work many genuinely interested people came forward with suggestions for improvement of the lot of children, generally and or provincial wards in particular. Many of these suggestions are suggestions that only specialists can pass upon. There was one recurring theme through a great many presentations to us. That was that there ought to be greater emphasis on preventive measures. All the proponents of this idea concede that it cannot be demonstrated that this would, in the long run, reduce overall costs. Tentative experiments have been performed in various areas, but critics of preventive programs have usually caused their abandonment before they have been in effect long enough to demonstrate results.

However, studies are underway in other jurisdictions; for example, evaluation of a demonstration project in the Counties of Shasta and San Mateo in California. The results are available and up-to-date and seem to show that prevention is a worthwhile and cost-saving measure. We recommend that these be studied carefully.

There have been some experiments with parent resource units which are a corps of experienced persons capable of offering advice and counselling to parents having problems. It is a step in the right direction. The trend toward more and more broken families, resulting in children being cast adrift, has to be reversed and the government should exercise leadership in so doing. A growing problem in Alberta is that of adolescents who for some reason or other cannot, or will not, remain in their homes. If they are under 18, they can well become a problem for the department because they are still children: yet they are children wilful and big enough to resist control by parents or others. Unless rescued, many of them eventually become adult criminals. Organizations such as McMan Homes in Edmonton operating on grants from the department seem to be effective in rescuing some of these children and offering them counselling and guidance towards independent living. These programs should be maintained and encouraged.

We examined the situation in one jurisdiction in another country where the policy has been that adolescents who are not living at home are not the responsibility of the child welfare authorities. That jurisdiction claims to have reduced the number of children in care by two thirds. Teenagers in that jurisdiction who are not living at home can receive a few weeks shelter and counselling, but if that does not get them on either to be self-sustaining or back with the parents, they go back on the street. That jurisdiction can point to a dramatic reduction in the cost of child welfare as the result of this policy. We would not like to see Alberta follow that route.

In the matter of child abuse, and particularly sexual abuse, there are volunteer groups working in this field. The Calgary organization appears to be better organized and better funded and more effective than the Edmonton organization. Sexual abuse and some of its aspects pose a special problem and sexual abuse probably needs specialized attention. We believe that with detection and adequate treatment some families can be preserved where there has been sexual abuse. In some cases all too often the victim, the child, is removed from the family when the abuser is the one who should be removed. We know there are capable interested people working on these problems and we think fiscal restraint should not cause the cancellation of these programs. It is time the department recognized the value of a team approach to the treatment and rehabilitation of the abused child and his family and supported these programs in the two major cities and moved to improve services in the rural areas.

We believe that with the restricted grounds of apprehension that we have proposed, there will be fewer children coming into care. We believe that with the more rigid rules we propose concerning time limits as a temporary ward will result in wards becoming adoptable earlier and thus more readily adoptable. This should reduce the number of permanent wards. If our hopes are realized and the number of children in care is substantially reduced, we would suggest that any savings thereby effected should not be reduced from the child welfare budget. Instead, any such savings should be diverted toward better preventive and rehabilitation programs.

We would like to state at this point that we are indebted to two professors whom we interviewed and whose writings we reviewed. Professor Michael S. Wald of Stanford University was particularly helpful in the area of court appearances and children's rights. Professor Lawrence Shulman of the School of Social Work at the University of British Columbia was particularly helpful and instructive with regard to social work practice.

There are so many people who offered us assistance and counsel that it is impossible to enumerate them all. We annex an Appendix listing those that we have records of, but if we have overlooked anyone it was not deliberate. We, the members of the Board, owe a great debt of gratitude to one person who must be mentioned in this report, that is our counsel, Mr. J. P. Brumlik, Q.C., who was responsible for the good aspects of our organization and was a tireless worker and counsellor to us.

APPENDIX A

APPROVED AND ORDERED, O.C. 269/80

"F. LYNCH STAUNTON" March 16, 1980

LIEUTENANT GOVERNOR EDMONTON, ALBERTA

WHEREAS The Public Inquiries Act provides that the Lieutenant Governor in Council may appoint commissioners to make an inquiry into and report upon any matter within the jurisdiction of the Legislature; and

WHEREAS it is in the public interest to hold an inquiry into the matters hereinafter set out:

THEREFORE, upon the recommendation of the Honourable Minister of Social Services and Community Health, the Lieutenant Governor in Council, pursuant to section 2 of The Public Inquiries Act, appoints as commissioners, a Board of Review consisting of

(a) Mr. Justice J. C. Cavanagh, of the Court of Queen's Bench,
(b) Dr. Lloyd C. Grisdale, and
(c) Mrs. Flora Allison.

with Mr. Justice Cavanagh as Chairman to review the operation of The Child Welfare Act and The Social Care Facilities Licensing Act and to report thereon to the Lieutenant Governor in Council, and in particular to review and report on

1. the changes, if any, that should be made in the policies, practices and procedures in the administration of The Child Welfare Act and The Social Care Facilities Licensing Act;

2. the extent of services available and the nature and quality of facilities provided for in the child care system in Alberta, and to make observations based on appropriate comparisons with other jurisdictions in Canada;

3. the need to establish guidelines in respect to the limits of treatment policies, procedures and practices that may be authorized and the methods that may be used to supervise such guidelines in private or volunteer agencies;

4. the changes, if any, that should be made in the duties, responsibilities and structure of The Child Welfare Commission;

5. the division of responsibility for services to be provided by public facilities and those operated by private or volunteer agencies;

6. the respective roles and relationships of Provincial child welfare workers and the boards and employees of private or volunteer agencies and whether any changes should be made with respect to program development, supervision and inspection procedures;

7. the changes, if any, that should be made and the policies, procedures and practices provided in respect of foster homes in Alberta;

4. the adequacies of the distribution of services throughout Alberta of public and private child welfare facilities, and to consider whether the present facilities in outer lying areas provide satisfactory services;

5. such other matters that the commissioners consider relevant in order to ensure a full and fair review and to enable it to make a report and such recommendations as it considers fit, except that, if in the opinion of the commissioners, any matter arising in the review will be or has been dealt with in any other proceeding and that the review by the commissioners would interfere with, prejudice or duplicate that proceeding, it need not, in its discretion, inquire into those matters but may, if it considers it to be advisable, review and report on any aspect of that proceeding.

"PETER LOUGHEED"
CHAIRMAN

APPROVED AND ORDERED, O.C. 1118/80

"F. LYNCH-STAUNTON" November 26, 1980

LIEUTENANT GOVERNOR EDMONTON, ALBERTA

Upon the recommendation of the Honourable Attorney General, the Lieutenant Governor in Council, pursuant to section 2 of The Public Inquiries Act,

1. terminates the appointment of Dr. Lloyd D. Grisdale as a commissioner on the Board of Review referred to in Order in Council numbered O.C. 269/80;

2. appoints DR. ERNEST EDWARD McCOY as a commissioner on the Board of Review referred to in Order in Council numbered O.C. 269/80;

3. amends Order in Council numbered O.C. 269/80 by striking out clause (b) and substituting the following:

(b) Dr. Ernest Edward McCoy, and

"PETER LOUGHEED"
CHAIRMAN

OMBUDSMAN'S RECOMMENDATIONS REFERRED TO US FOR COMMENT

8. The Department should ensure that firearms owned by foster parents are locked and stored in such a manner that they are separated from the ammunition, used in conjunction with them, and that neither of these objects can be handled by their own children, or by children in their care.

12. A planning committee should be established, which could have a format similar to those in other provinces, to consider the long-term objectives for the child in care in order to avoid the "drifting" syndrome. Such a committee could be composed of persons of varying expertise. Placement of a child in a foster home should be a decision made by the group of persons directly affecting the child's care and future.

17. The question of corporal punishment has surfaced often in my case studies. Management must ensure that there is a clearly understood policy on corporal punishment and workers must ensure they are monitoring foster homes for signs of such physical abuse.

36. I feel that consideration should be given to proclaiming Section 41(3) of The Child Welfare Act which states as follows:

> "Any person who fails to comply with subsection (1), in addition to any civil liability, is guilty of an offence and liable upon summary conviction to a fine of not more than $500 and in default of payment to imprisonment for a term not exceeding six months or to both fine and imprisonment."

(It should be noted that the penalty mentioned above, namely $500, was the amount suggested by the Legislative Assembly in 1973. Given the inflationary spiral since that time, it would appear that such penalty should be significantly increased.)

37. I respectfully recommend that the Department initiate dialogue with the Attorney General's Department with respect to the amicus curiae function and, in particular, to determine whether or not it might be possible for such legal representation on behalf of the child to be extended to promote the involvement of the amicus curiae on the motion of the amicus curiae in, at least, the extreme child protection cases.

I remain convinced that the involvement of the amicus curiae should be possible in, at least, the extreme child protection cases. As a result of such new administrative reform, further consultations should be initiated between the Department and the

Amicus Curiae Division of the Attorney General's Department in an effort to ascertain the feasibility of further increased protection for the child before the Courts. Quite possibly, this could later lead to increased authority for the amicus curiae for any and all situations before the Courts involving a child.

40. The Department should develop a clearly articulated statement on the philosophy of foster care and the intent of its legislated programs. Without establishing such philosophy, an acceptable standard of care - a measure of a quality performance - will not be forthcoming, and the Department will continue to lack the direction needed to alleviate existing problems associated with child neglect and abuse, and ultimately, with foster care.

CASES REFERRED TO US FOR COMMENT

"K's" Case

"C's" & "D's" Case

"A's" Case

"B's" Case

APPENDIX B

ACKNOWLEDGEMENTS

The Board of Review in the course of its deliberations advertised in all daily and weekly newspapers in Alberta inviting individuals and organizations to make written or oral submissions.

The Board of Review received a large number of briefs and met personally with any individual or organizations that expressed a desire or willingness to attend upon the members of the Board. The Board also visited various facilities providing services to children and various organizations concerned with services to children. Individuals and organizations submitted written material which ranged from lengthy, detailed and well researched briefs prepared by experts to letters outlining specific problems or solutions in the child welfare field. The Board found much of this material extremely helpful. In the course of carrying out its mandate, the Board met with more than 550 individuals who expressed opinions or gave the Board factual information.

We have listed the organizations and individuals who either provided written or oral information to the Board. The order in which these are listed is entirely arbitrary and does not reflect either the importance of the information given, nor the amount of work that went into either the preparation or the presentation.

Persons who requested anonymity are not listed, although some of those who are shown gave confidential information or opinions. Most submissions were made voluntarily but some persons who appeared before the Board did so at the specific request of the Board.

The Board wishes to express its gratitude to the many people who took the time and trouble to assist the Board. The Board wishes to apologize to any individuals or organizations who have been overlooked in the following list.

The Board wishes to express its thanks to Ms. Karen Spencer who was appointed by the Department of Social Services & Community Health to be the contact person in the department and who laboured efficiently to provide information and documents requested by the Board.

Psychologists Association of Alberta

Written submission

Prepared by:

Dr. P. S. Fry - University of Calgary
Dr. L. C. Handy - University of Calgary
J. Leuttgen - Winnifred Stewart School - Edmonton
Dr. R. Van Mastright - Alberta Children's Hospital - Calgary

Board met with Dr. P. S. Fry and Dr. L. C. Handy

Alberta Association of Child Care Centres

Written submission

Correspondence from L. Zaganelli

Board met with John Meston and Donald W. Storch

Received material

McMan Youth Services Association - Edmonton

Board visited and met:

John Meston
Elsie Lockhart
Robert Strelow
Richard Berube
Young people being assisted

Garneau After School Centre - Edmonton

Written submission

Branch-A-Way Farm
Dr. E. B. Branch and Mary Ette Branch - Barrhead

Written submission

Board visited and met:

Dr. E. B. Branch
Mary Ette Branch

Grant MacEwan Community College
Social Services Worker Program - Edmonton

Written submission

Board visited the college and heard oral presentation by:

Kay Feehan
Mary-Ann Wright
Vi Cerezke
John Hutton
Julianne Kratz
Duane Massing
John Haar

Catholic Social Services - Edmonton & Red Deer

Written submission

Board visited and met:

Father William Irwin
Donald W. Storch
Andy Mikalski

University of Alberta Students' Union & Community Day Care Centre - Edmonton

Submitted written brief prepared by:

Stuart Mackay
Isabel Munroe

The Catholic Women's League of Canada - Alberta - McKenzie Council - Edmonton

Written brief

Oral submission by:

Rose Marie McCarthy
Dorothy Keates
Ardis Beaudry

Alberta Association for Young Children

Andrea Dinsmore, President

Submitted written brief

The Sexual Assault Centre of Edmonton

Submitted written brief

Oral submission by:

Marie Lang
Brian Latonas
Marlene Rankel

School Social Workers - Bureau of Child Study
Edmonton Public School Board

Written brief

Oral presentation by:

George Taylor
Elizabeth Huss
Barry Heffernan

Family Law Section - South Alberta Section
Canadian Bar Association - Calgary

Written brief

Oral presentation by:

Carole Smith - Calgary
Kay Helmer - Calgary

Edmonton Local Board of Health

Written brief by:

Dr. J. M. Howell
Dr. Carol Ganam
Dr. J. C. Gillespie
Mrs. D. Paddon
Ms. J. Stork
Ms. R. Spricer

Metis Association of Alberta

Written brief

Oral presentation by:

Willy Anderson
Jeannine Silver
Sharon Carpenter

Update of brief: Joseph Blyan

Professional Employees of Alberta Social Services & Community Health

Written submission prepared by:

Phil Levson
Jane Eddison

Oral presentation:

Dave Grinham
Phil Levson
Connie Miller
Jim Schneider

City of Edmonton

Written submission

Oral presentation:

Don Freeman
Janis McBeath

Lac La Biche Foster Parent Association

Hellen Bigelow, President

Written submission

Concurred in by Smoky Lake - Thorhild Foster Parent Association

Family Service Association of Edmonton

Burt Krull, President
Izzy Gliener, Chairman, Community Services Committee

Written brief

Oral presentation by:

Burt Krull
Izzy Gliener
Peggy Robbins
Betty Hurd
Margaret Bouska
Margaret Gouch
Marion Cairns
David Brown
Mary Lawrence
Ingrid Scharfenberg
Dennis Brown
Linda Thomas
Marianne Inkpen
Anne Lidster
Susan Potts
Alice Hanson
Rick Giffin
Rod Rode
Cathy Mayhew
Glenn Austed
Lynne Mansell
Alice Hanson
Joan Eddington
Margery Stelch
Doug Burgess

The Calgary Regional Mental Health Council

Written submission prepared by:

John R. McDonald
Carol Ann Probert
Gerry Fewster
Phillip Barker
Orest Pyrch
Robert Robinson
Lynn Sheppard

Oral presentation by:

Peter Morton
John R. McDonald
Lynn Sheppard
Gerry Fewster

The Social Planning Department of Medicine Hat
Community Services Division - City of Medicine Hat

Written submission

Oral presentation by:

Robert E. Warner
Wendy Klaussen
Wendy Johnson
Larry Bonneville
Wilma Radcliffe
Herbert Fish

Edmonton Children's Centre & Detention Centre

Board visited these institutions and met with:

Denny Gibson
Jim Preshing
Gary Haynes
Christine Fraser
Rishi Nerpatty
Ray Therow
Art Sader

Alberta Association for the Mentally Retarded

Pam Friesen, President
Peter Van Belie, Member, Legislative Committee

Written submission

Oral presentation by:

Larry Quong
Paula Dorval
Cathy Duchesne

Child Care Workers Association of Alberta

Written brief

Oral presentation by:

Ed Schell
Donovan Bentz
Bill Waitt
Bill Davidson
Mike Demers
Garth Thomson
Ernie Hominuk

Observers at presentation:

Bill Cruickshank
Rod Rode
Michael Demers
Connie Moores
Glenn Austed
Lyn Dimotoff
Bob Huff
Johane Renshaw

Edmonton Committee on Child Abuse & Neglect

Written submission

Oral presentation by:

Margot D. Herbert
Marie MacDonald
Ernest Schwarzat
John Koch
Antonietta Rouget
Harold Barker
Joyce Hanley
D. Paddon
Andy Michalski
Marie Laing
Gail Will
Ronald Levin
Susan Donnelly
Brenda Schmidt
Ruth Mickelson
Ken Miller

Edmonton Hospital Social Workers
Maternal & Infant Health Units

Written submission prepared by:

Marion Palmer
Linda MacLaren
Sandra Van Stolk
Cathy MacDonald
Norah Hutchinson
Corinne Edwards
Susan Wylie

Oral presentation by:

Corinne Edwards
Marion Palmer
Norah Hutchinson
Lori Morris
Sandra Van Stolk
Cathy MacDonald
Sylvia Renaud

Red Deer Family Resource Team

Written submission from Advisory Board and Team Members

Sharon Wurmann, Co-ordinator

College of Clinical Social Work of Alberta

Written submission by Sterling E. Green

Oral presentation by:

Sterling E. Green
Ray Ensminger
Bill Clelland

Native Counselling Services of Alberta

Written submission

Oral presentation by Chester Cunningham

Committee for Non-Profit Community-Based Child Care Services

Written submission by:

Cathy Mayhew
George McEwen

The Health Sciences Association of Alberta
The United Nurses of Alberta

Joint written submission

Parent Counsellors

Written submission

Oral presentation by a group including:

Janet Baillingshurst
Jan Wells
Clive Turgeon
Merrily Cozes
Mary Cozes
Jeanette Glass
Maurice Glass
Nestor Kwasnycia
Pamela Kwasnycia
Cori Melis
Jan Melis
Also: Margaret J. Hixon

Alberta Home Economics Association

Written submission

Oral presentation by:

Arlene McKay (Edmonton)
Wilma Hayes Cochran (Airdrie)
Glenda Molgat (Lacombe)
Cheryl Corbille (Edmonton)
Professor Diane Kieren (Edmonton)
Professor Nora Keating (Edmonton)

Nechi Institute on Alcohol & Drug Education

Written submission

Oral presentation by:

Eric Shirt
Marjorie Hodgson
Wendy Fagin

The Edmonton & District Foster Parent Association

Written submission

Oral presentation by:

Peter Rempel (Edmonton)
Bob Girard (Sherwood Park)
Bob Voelker (Edmonton)
Marj McIntyre (Devon)
Audrey Graham (Morinville)

Social Justice Board of the Archdiocese of Edmonton

Written submission

Alberta Association of Social Workers

Written submission prepared by:

Norman Bilodeau
Wayne Carrier
Bertram Dyck
Donna Hamar
John Hutton
Gayle James
Jeanette McEachern
Marie MacDonald
John Mould
Garry Sargenia
Marilyn Smelski
Gerald Way
Jo-Anne Yaworski
Lila Floyd
Joyce Hanley
Dennis Huculak
Susan Kinsman

Richard Ramsay
Gail Will
With: Alma Jordan
Lawrence Shulman

Oral presentation by:

Gayle Gilchrist James
Marie MacDonald
Donna Hamar
Kay Derwyn Whitbread
Jerry Way
Gail Will
Dennis Huculak
Dick Ramsay
Joyce Butterworth
John Hutton
Jeanette McEachern
John Mould
Norman Bilodeau
Garry Sargenia
Erica Bell-Lowther

Community Day Nursery - Edmonton

Written submission

Oral presentation by:

John Faulds
Deb Nelson Zutter
Ed Campbell
Bobbie Nelson
Mary Hull

Family Day Care Providers of the City of Edmonton Social Services Department, Westmount

Written submission

Oral presentation by:

Donna Skoreyko
Joan Baker
Joan Norwood
Willy De Jong

Canadian Mental Health Association (South Central Alberta Region)

Written submission

Oral presentation by:

Don C. Fraser
Hugh Thorsten
Ron La Jeunesse
Alec Trawick

Alberta Public Health Association

Written submission

Alberta Foster Parent Association

Written submission

Oral presentation by:

Dennis Turner (Wainwright)
Bob Girard (Ardrossan)
Genevieve Peterson (Calgary)
Anne Marie Potter (Calgary)

Boyle Street Community Services Co-op - Edmonton

Written submission

Oral presentation by:

Betty Hurd
Mary Burlic
Trudy Richardson
Doug Wilson
Margaret Bouska
Connie Moores
Barry Heffernan

Bissell Centre, United Church of Canada - Edmonton

Written submission by Beverley Browne

Oral submission by:

Beverley Browne
Joan Eddington
June Dorn
Larry Derkach
Clara Woodbridge
Anne Lightfoot

West End Day Care Society - Edmonton

Written submission by James Kramps

University & Community Day Care Society - Edmonton

Written submission

Alberta Medical Association

Written submission

Oral presentation by:

Dr. D. R. Shea
Dr. Harold Barker
Dr. S. William Devine
Dr. Kenneth R. Miller
Dr. Antonietta Rouget

Edmonton Northwest Day Care Centre

Written submission

Oral presentation by:

Bruce Uditsky
Donna Michael

Fulton Child Care Centre - Edmonton

Written submission

Calgary Social Action & Issues Study Group
Sub-Committee of Alberta Association of Social Workers

Written submission

Oral presentation by:

Tom Baker
Wayne Carrier
Audrey Sargenia

Who Cares?. Alberta: A Society for Young People in Care - Calgary

Written submission prepared by:

Don
Brad
Bonnie
Chris
Randy
Julie
Leah
Tracy
Herb Allard
Gordon Brannan
Kathleen Kufeldt
Janice Johnson
Jim Allison
Chris Leach

Oral presentation by:

Don
Randy
Leah
Bonnie
Tracy
Gordon Brannan
Kathleen Kufeldt
Jim Allison
Janice Johnson

Alberta Status of Women Action Committee

Written submission prepared by:

K. Derwyn Whitbread
Leslie Bella

Halyna Freeland
Phyllis Jones
Cheryl Lundy
O. Rosemary Moon
Carolyn Nutter
Tillie Schuster
Dr. Patricia Simonds
Marcia Tait

Oral presentation by:

K. Derwyn Whitbread
Phyllis Jones
Marcia Tait
O. Rosemary Moon
Halyna Freeland
Patricia Simonds
Leslie Bella
Carolyn Nutter

Parents for Progress (Southern Alberta) - Calgary

Written submission

Oral presentation by:

Bruce Miles
Greg Garnett
Guy Lacourciere
Bob Holmes
Margaret Trotman

Provincial Mental Health Advisory Council

(Helen Hunley, Chairman)

Material submitted by Dr. Paul Copus

Social Services Department, Royal Alexandra Hospital

Written submission

Oral submission by:

W. John Koch
Linda Smith
Murray Patterson
Catherine Macdonald
Ron Chan

Material supplied by W. John Koch

Youth Development Program of Grant MacEwan Community College

Written brief submitted by Donald Meen

Oral presentation by:

Don Meen
Terry Flanagan
Marilyn Hays
Heather Cowper
Mary Lynne Gokiert
Paul Otke

Cross Cultural Consultants Ltd.
Lina Gallup
Elsie Wingeno - Calgary

Written material

Oral presentation by:

Lina Gallup
Elsie Wingeno
Ruth Scalpluck

City of Calgary Social Services Department

Written submission

Oral presentation by:

Sam Blakely
Charles James
Frank Hoebarth
Wendy McConnell
Eric Haffenden

Peace River/Grande Prairie Regional Mental Health Council

Written submission endorsed also by Grande Prairie Health Unit (Hilary M. Wynters, Medical Officer of Health)

Sturgeon Health Unit - St. Albert, Alberta

Written submission by K. W. Hodgins, Director & Medical Officer of Health

Local Board of Health, City of Calgary Health District

Written submission on behalf of the Local Board of Health by John Z. Garson, Medical Officer of Health

Child Welfare League of America, Inc.

Research study

Advice received from:

Virginia Banerjee
Dr. Ying-Ying T. Yuan
Leon Robertson

Citizen Advocacy Society Edmonton

Written submission

Ad Hoc Committee of People Concerned with the Cavanagh Board of Review

Letters

Alberta Committee on Children & Youth

Material supplied

Child Abuse Program, Alberta Children's Hospital - Calgary

Written submission

Oral presentation by:

Dr. J. R. Brummitt
Pat Dougan
Dr. Karen Kovitz

Calgary Board of Education

Written submission

Oral presentation by:

W. Dickson
Ivan Mihaljewich
Cecil Sangstor

Information supplied by A. J. Langmore

Fort McMurray & District Health Unit

Written submission by Dr. A. J. Nicholson, Medical Officer of Health

The Ombudsman

The Board met with:

Randall E. Ivany
Alex B. Weir
Robert S. Wyatt
Ralph Toews

and received copies of special and annual reports

The Voice of Alberta Native Women's Society - Bonnyville, Alberta

Written submission by Hervina Angus

The Canadian Council on Social Development
Patrick Johnston, Ottawa

Provided copy of a paper

Provided book: Native Children & The Child Welfare System by Patrick Johnston

Child Abuse Advisory Committee of the Alberta Children's Hospital - Calgary

Written submission on behalf of the Committee composed of:

Crys Harse
Bob Hall
Dianne Ellingson
Dianne Pask

Dr. Jack Brummitt
Pat Dougan
Dr. Karen Kovitz
Marc Wolf
Dr. Curtis Bell
David Welling
Rev. T. Boyle
Margie Ronca
Patty Neame
Sgt. John Hibbert
Irene Brannan
Dr. Beatrice Norris
Myrna Linder

Oral presentation by:

Crys Harse
Dorothy Unsworth
Patty Neame
Irene Brannan
Dr. Beatrice Norris

Alberta Association of Registered Nurses

Written submission

Adoptive Parents Association of Edmonton & Vicinity

Written submission

Society of Public Health Nursing Supervisors

Letter

Lethbridge Day Care Board

Letter

Lethbridge Day Care Board Afterschool Program

Letter

Southern Alberta Foster Parents Association
Mrs. Jaci Helmer - Lethbridge

Provided material

Parent Advisory Committee
Calgary Council of Home & School Associations - Calgary

Letter

Parent Finder Association - Edmonton

Letter and provided material

Southern Alberta Child Abuse Society - Lethbridge

Letter

Project Committee for a Family Day Care Centre - Edmonton

Written submission

Marion Roseborough
Penny Bent
Laurel Anne Millic
Millie Calihoo
Gwen Rudolph
Mary Burlie
Jo Anne Borsneck
Bill Jackson
Eleanor Jackson
Violet Gosselin
Flo Sveum
Rita Wagner
Helen Simmonds
Monique Doucette
Hasana Birk
Cathy Vereyken
Lawrence Topping
Arlene Petraskc

South Peace Foster Parent Association - Grande Prairie

Letter

Group of Concerned After School Care Representatives - Edmonton

Letter

Judi Letawsky
Pat Dober
Edna Royce
Karen MacDonald
Sharon Tauber
Cathy Scott
Cheryl Lundy
Suzanne Tayler
Premilla Olliverne
Mahjabeen Hussain
Lorna Emsland
Erica Wuensch
Margery Samson
Linda Winski
Ayten Kocak
Margaret Lockwood
Karen Martin
Barbara Goertzan
Frances Murphy
Regina Piel
Pauline Pfister
M. Chapman-Park
Sharon Vasey
Donna Brochu
Barbara Hoff
Marian Lewis
Donna Grad
Sharon Stevenson
Margaret Sylvester
Ray Stevenson
E. Jean Allan
Ernest M. Zetawsky

The William Roper Hull Home - Calgary

Visited and met with:

G. D. Fewster
I. Werfs
M. Cutler
E. Kuhlemeyer
G. Ghitan
G. Roy
E. Courvoisier
A. Skau

L. Saganell
G. McBride
T. Smallwood
L. Scurr

Wood's Christian Homes - Calgary

Visited and met with Dr. Brian Plowman and the staff

James Bay Community Human Resources & Health Centre - Victoria, B.C.

Board visited and met with:

Robert Dill
Robert Milne
Ronald Polstein
Alastair Mont

Pinnocchio Downtown Day Care Centre - Edmonton

Board visited and met with Stella Denvir & her staff

Delton Day Nursery - Edmonton

Board visited and met with Joyce Horne and staff

Ding Dong Bell Day Care Ltd. - Edmonton

Board visited and met Kay Awarm and staff

Glengarry Day Care Centre - Edmonton

Board visited and met with Caroline Winter and staff

Sunshine Day Care Centre - Edmonton

Board visited and met Candace Campbell

Fulton Child Day Care Centre - Edmonton

Board visited and met Barbara Duffy and staff

Joyland Day Care Centre - Edmonton

Board visited and met Joy Sobolewski

Community Day Nursery - Edmonton

Board visited and met Mary Hull and staff

Calgary Detention Centre
Calgary Children's Shelter

Visited and met with:

N. J. Bilodeau
L. Taylor
B. L. Bartlett
B. Lewis
C. Branch
J. McKnight
G. Windolff
Pat Rice

Social Worker Staff for the Child Welfare Unit
Centennial Mall District Office
Alberta Social Services & Community Health

Written submission prepared by:

Robert Arsenault
Valerie Goff
Melanie Judge
Marilyn MacDonald
Marilyn McGale
Gordon Morrison
Susan Wilson
Larry Zawaduik
Consultant: Shirley Dumbeck

Visited office and heard oral presentation by:

Susan Wilson
Melanie Judge
Barbara Leuthard
Bonnie Osten
John Hautman
Marilyn MacDonald
Gordon Morrison

Marilyn McGale
Shirley Dumbeck
Bill Vanalderwegen

Child Protection Unit of Department of Social Services & Community Health - Southwest Edmonton District Office

Written submission

Oral presentation by:

Ninetta Tavano
Joyce Shaigea
Marilyn Wilson
Donna Hamar
Pat Dudra
Kay Ritchie
Mona Brown
Jane Shea

Youth Development Centre - Edmonton

Written material supplied

Visited and had oral presentation from:

Ernie Rachmistruk
Bill Rollins
Al Friesen

Met some of the youths

Child Welfare Social Workers at Westmount District Office
Department of Social Services & Community Health - Edmonton

Written submission by:

Winston Green
Cheryl Burton
Orval Belcourt
Lynn Jones
Morris Chaban
Andrea Abram
Linda Sanregret
Stanley Hess

Westfield - Edmonton

Board visited Westfield and met with Pierre Berube

Westfield Day Program - Edmonton

Board visited St. Pius School and met with:

W. M. Waitt
Don Sawatzky
David Hays
Shelley Bryan
Ernie Homeniuk
Bob Kinahan
Karen Ryan
Vivian Dersch
Beth Lipsett-Segal
Wayne Kay
Graham Price
Donovan Bentz

Edmonton Child Welfare Committee, Department of Social Services & Community Health

Material submitted

Oral presentation by:

Salim Akhtar
Winnie Bennett
Linda Thomas
Gion Restivo
Paz Villanueva
Gail Farewell
David Ogilvie
Denny Gibson
Susan Dunningham
Dwight Dombowsky
Dannielle Beet
Al Failing
Bob Rechner

Unit J, Ward Care, North Calgary District Office, Department of Social Services & Community Health - Calgary

Written submission

Oral presentation by:

Craig Sheppard
Art Jeal
Ann McFaul
John Deluca
Samantha Warren
Marion Taylor
Garry Semenchuk
Val Naslund
Lorraine Weisgarber
Jane Eddison

Unit E, Willow Park District Office, Department of Social Services & Community Health - Calgary

Written submission

Oral presentation by:

Janice Johnson
David Wellings
Joanne Szydlo
Jean Chernianwsky
Morley Kiss
Ellen Shafer
Linda McRitchie
Olvine Naspini
Morris Baskett
Marilyn Ypma
Kathleen Roberts
Leslie Williams
Jeanette Martineau
Kim Thomas
Susan De Witt
Pat McKnight
Mrs. Patterson

Computer Services of the Department of Social Services and Community Health and Child Abuse Registry

Visited by Board and met with:

Baldwin Reichwein
Sharon Heron
Myrna Lee
Lorraine Gurlack
Diana Anderson
Ida Hay

Child Welfare Branch

Written submission

Program Management Supervisors - Edmonton

Board met with:

Trezvent McCaskill
John Willms
Art Boettcher
Arend Visser
Donna Hamar

St. Paul Office of Department of Social Service & Community Health

Board visited and met with:

John Trofanenko
Caroline Edwards
Bob McCrandle
Elizabeth Pundik
Sally Wisdon
Gary Duke
Tom Edwards
Virginia McLachlan

Southern Alberta Regional Office, Department of Social Services and Community Health - Coaldale, Alberta

Board visited office and met with:

Mrs. Lorene Harrison
Mr. Merchaint
Mr. Stafford
Mr. Clarke

Child Welfare Consultants
Department of Social Services & Community Health

Written submission

Northern Multi-Regional Resource Group

Written submission

Pat Bickersteth
Robert Craddock
Barbara Foster
Louise Gaunce
Joyce Hanley
Bob Johnson
Dennis Switzer
Marilyn Trudgem

North Edmonton District Office
Department of Social Services & Community Health - Edmonton

Board visited and met with:

Al Failing
Ted McCrae
Pat Henkle
E. Regehr
Bonnie Groome and others

Stanley Mansbridge - Edmonton & Victoria

Met with the Board

David Stolee - Edmonton

Met with Board

Catharine Arthur, Associate Deputy Minister
R. J. Pritchard, Executive Assistant to the Associate Deputy Minister
Jack Flaherty, Regional Director, Northwest Region (McLennan)
Melvin W. Finlay, Regional Director, Calgary Region
Lorene M. Harrison, Regional Director, Southern Region (Coaldale)
Dr. Perry S. Kinkaid, Sometime Regional Director Edmonton Region
Helen Wentz, Regional Director, Central Region (Red Deer)
W. H. Wright, Regional Director, Northeast Region (Lac La Biche)

Met with the Board

D'Arcy Coulson, Deputy Minister - Edmonton

Met with Board and provided information, particularly about delivery of children's services in Quebec.

Dean Melsness - Edmonton

Met with Board

Baldwin Reichwein - Edmonton

Met with Board and provided material

Greta Fuchs - Edmonton

Met with Board

Anne H. Russell - Edmonton

Met with Board

Trevor Williams - Edmonton

Met with Board with Lloyd Livingstone

Kenneth E. Jones - Edmonton

Met with the Board

Duncan W. Rogers - Calgary

Met with the Board

Sheldon L. Maerov - Edmonton

Met with Board and provided material

Audrey Dean - Edmonton

Written submission and met with the Board

Paul Fritz - Edmonton

Met with the Board

Rae Parker - Edmonton

Met with Board and provided material

Jeff Miller - Edmonton

Met with Board

K. S. Thompson - Edmonton

Met with Board and provided material

Robert Romito - Edmonton

Met with Board

Robert Smith - Edmonton

Met with Board

John Lackey - Edmonton

Met with Board and provided material

Sally Huemmert - Edmonton

Met with Board and provided material

Pieter de Groot - Edmonton

Met with Board

Ethel Unsworth - Solicitor to the Department of Social Services & Community Health - Edmonton

Met with Board

Jack Basey - Acting Director of the Family & Juvenile Branch of the Attorney-General's Department - Edmonton

Met with Board

Reg Dumont - Edmonton

Met with Board

Pat A. Nichol Lethbridge

Met with Board

Pierre Berube - Edmonton

Met with Board and provided material

The Honourable Bob Bogle - Edmonton

The Board met with Mr. Bogle after he ceased to be Minister of Social Services and Community Health

Professor Larry Eberlein
John Young - Edmonton

Provided a detailed paper

Met with the Board

Professor David Cruickshank - Calgary

Written submission

Oral presentation

Dr. Benjamin Freedman - Calgary (now London, Ontario)

Written submission

Oral presentation

Dr. Richard W. Nutter - Edmonton

Written submission

Oral presentation by Professor Nutter and Trevor Williams

Dr. Kathleen Kufeldt - Calgary

Written material

Oral presentation

Permitted the Board of Inquiry to read her doctoral thesis submitted to the Faculty of Social Welfare of the University of Calgary

Professor Rod Tomlinson - Calgary

Written submission prepared by Rod Tomlinson and Pat Boyle

Oral presentation by Rod Tomlinson

Dr. Christopher Bagley - Calgary

Written submission

Oral presentation

August Frauenfeld - Edmonton

Met with the Board and provided additional information

Professor David Fanshel - Columbia University School of Social Work, N.Y.C.

Met with the Board

Michael S. Wald, Professor of Law, Stanford University, Stanford, California

Met with Board

Assistant Chief Judge W. G. W. White - Family & Juvenile Divisions of the Provincial Court of Alberta - Edmonton

Met with Board and provided material

Senior Judge H. A. Allard - Family Division of the Provincial Court of Alberta - Calgary

Met with Board and provided material

Judge N. G. Hewitt - Family & Juvenile Divisions of the Provincial Court of Alberta - Edmonton

Met with Board and provided written comments

Judge Marjorie M. Bowker - Family & Juvenile Divisions of the Provincial Court of Alberta - Edmonton

Met with Board and provided written comments

Judge D. Fitch - Family Division of the Provincial Court of Alberta - Calgary

Met with Board and provided material

Judge W. J. Anderson - Family Division of the Provincial Court of Alberta - Calgary

Met with Board

Judge N. P. Leveque - Family Division of the Provincial Court of Alberta Calgary

Met with Board

Judge A. P. Catonio - Family & Juvenile Divisions of the Provincial Court of Alberta - Edmonton

Met with Board

Senior Judge L. D. Kimelman - Provincial Court (Family Division) Winnipeg, Manitoba

Met with the Chairman of the Board

Judge K. H. Mason - District Court of New Zealand - Children's and Young People's Court, Papakura, New Zealand

Met with the Chairman of the Board

Elsa Ten Broeck, Co-ordinator, Child Abuse Services, County of San Mateo, San Mateo, California

Met with Board and provided material

Referee Aram Serverian- San Mateo County Juvenile Court - San Mateo, California

Met with Board

Pat Bresee, Attorney, San Mateo, California

Met with Board

Ernest T. Hirose - Director, San Mateo County Board of Supervisors, San Mateo, California

Met with Board

Arlen Gregorio - San Mateo County Board of Supervisors, San Mateo, California

Met with Board

Marion Babarz - Director, Shasta County Welfare Department, Redding, California

Met with Board

James W. Brown - Chief, Family and Children's Services Branch - California Department of Social Services, Sacramento, California

Provided information and material

Jerry Lachaussee - Shasta County Welfare Department, Redding, California

Met with Board and arranged for meetings with others

Dennis D. McFall - Social Services Supervisor, Redding, California

Met with Board

Ed Ward
Mary Stoddard
Hank Prehn
Bob Wilkinson
Sharon Marks
Carolee Houser
Kay Saito
Ruth Sax
Charlene Schultz
Bob MacMillan
Linda Seager

San Mateo, California. Met with Board

Karen Jahr
Ann Mills
Pam Nix
Phil Paulson
Judi Cove
John Grimes
Tom Wilde
Joe Osness
Dr. David Wilson
Randi Gottlieb
Carol Minaid
Shirley Parker

Redding, California. Met with Board

Cathy Mayhew - Edmonton

Written submission

Dr. J. Arboleda-Florez - Calgary

Written submission

Dr. Antonietta C. Bouget

Written submission and supplied further information

Professor James Gripton - Calgary

Provided material and courtesies

Larry Brown - Director, Child Protection Division, American Humane Association

Met with the Board

Mayor C. J. Purves - Edmonton

Provided report: Improving Family Services in the City of Edmonton by Lyle E. Larson

Dr. Philip Barker - Faculty of Medicine - University of Calgary

Met with Board and provided material

Dr. Gordon King - Edmonton

Written submission and provided material

Dr. David J. Carter - Chairman, Social Care Facilities Review Committee - Calgary

Met with Board and made information available

James F. Faulkner - Deputy Chairman, Social Care Facilities Review Committee - Edmonton

Met with Board

The Honourable Ralph Steinhauer - Brosseau, Alberta

Met with the Board

Dr. Lawrence Shulman - School of Social Work, University of British Columbia, Vancouver, B.C.

Met with Board and provided material

Victor Belknap - Victoria, B.C.

Met with Board

William D. McFarland Vancouver, B.C.

Met with Board

Professor James Anglin - School of Child Care, University of Victoria, Victoria, B.C.

Met with Board

Professor Brian Wharf
Professor Marilyn Callahan
School of Social Work, University of Victoria, Victoria, B.C.

Met with Board

Dan Fenny - Vancouver, B.C.

Met with Board and provided material

Harry Rankin - Alderman, Vancouver City Council, Vancouver, B.C.

Met with Board

John Noble - Deputy Minister of Human Resources, Province of British Columbia, Victoria, B.C.

Met with Board

Leslie Arnold - Manager of Family & Children's Services Division Department of Human Resources, Province of British Columbia, Victoria, B.C.

Met with Board

Dr. Sydney Segal - Centre for Developmental Medicine, Vancouver, B.C.

Met with Board

Professor John A. MacDonald - School of Social Work, University of British Columbia, Vancouver, B.C.

Met with Board

Norman Levi - A Former Minister of Human Resources, Victoria, B.C.

Met with Board

Judge D. R. Campbell - Family Division, Provincial Court, Vancouver, B.C.

Met with Board

Bob Anderson - Assistant Deputy Attorney General, Province of British Columbia, Victoria, B.C.

Met with Board

Michael Ozerkewich - Edmonton

Met with the Board and provided material

Laurie Boucher - Director of Youth Protection, Montreal, P.Q.

Met with the Board

Judge George M. Thomson - Family Division of the Provincial Court of Ontario, Toronto

Met with the Board

Mrs. Dorothy Brickett - Goodfish Lake Reserve, Alberta

Met with Board

Doris Jackson
Kay Halt - Goodfish Lake Reserve, Alberta

Met with Board

Ida Sansom - Bonnyville, Alberta

Met with Board

Adrian Houle - Saddle Lake Reserve, Alberta

Met with Board

Sheila Redcrow
Richard Cardinal
Mrs. Richard Cardinal
Irene Redcrow
Eva Favel - Saddle Lake Reserve, Alberta

Met with Board

Alex Redcrow
William Brertton - Band Councillors, Saddle Lake Reserve, Alberta

Met with Board

Margaret A. Shone - Edmonton

Written submission and oral presentation

Peter N. Moore - Director of Social Development, Lesser Slave Lake Indian Regional Council, Slave Lake, Alberta

Met with Board

Ray Dupre - Executive Director, Lesser Slave Lake Indian Regional Council, Slave Lake, Alberta

Met with Board

Mary Kappo
Philomene Kappo
Judy Giroux - Slave Lake, Alberta

Met with Board

Sharon Anderson - Edmonton

Met with Board

Donna Copeland - Edmonton

Oral presentation

Cathy Morrison - Edmonton

Met with Board

Barbara MacDougall - Calgary

Oral presentation

Ken Moore - Edmonton

Met with Board

Jean E. Mucha - Edmonton

Written submission and oral presentation

Tom Jackson - Edmonton

Met with Board

Tom Hudson - Community Planning Department of the City of Lethbridge

Met with Board

Kit Gillies - Edmonton

Met with Board

K. Derwyn Whitbread - Edmonton

Provided material and made oral presentation

Carolyn Nutter - Edmonton

Oral presentation

Donovan Bentz - Edmonton

Met with Board

Dawn Dale - Edmonton

Oral presentation

David Yawney - Edmonton

Met with Board

Joanne Birnes-Sydiaha - Edmonton

Oral presentation

Jeanette Fox - Edmonton

Met with Board

Julie B. - Calgary

Former ward, sent letters

Michael Crawford - Edmonton

Meeting

Donna Mah - Edmonton

Meeting

Patricia Innes - Edmonton

Provided information

Louise Nadeau Gaunce - Edmonton

Oral presentation

Kingsley Gilliam - Edmonton

Written submission

Oral presentation

Mrs. E. Cottmann
Mrs. S. Patenaud - Edmonton

Written submission

Met with Board

Mrs. Mary McDonald - Sherwood Park

Written and oral submission

Dan Urbauer
Ted Shaw - Wetaskiwin, Alberta

Written outline of concerns

Sandra & Neil Douglas-Tubb - Sherwood Park

Written submission and met with Board

Jessie C. Kinley - Berwyn, Alberta

Letter

Darwin Carter - Edmonton

Letter and met with Board

Jean McNeely - Edmonton

Written submission and met with Board

P. Fern Rivett - Calgary

Written submission and met with Board

Nancy Leavitt - Citizens in Action for Children's Rights - Edmonton

Written brief, supplied material and met with Board counsel

Mr. & Mrs. Ed Forrest - Narcam, Saskatchewan

Letter

Fay Martin
Diana Hodson - Calgary

Written submission

Mr. & Mrs. L. Kasian - Morinville, Alberta

Written submission

Eileen Cook - Wetaskiwin

Written submission

Joseph Ferdais - Ft. Vermilion, Alberta

Letter

Linda Mundorf - Edmonton

Letter

Sister Mary Zuscar - Edmonton

Written submission by Sister Mary Zuscar on behalf of herself and Sister Mathilda Gerard and Sister A. Stark

Dr. Jane R. Silvius - Edmonton

Written submission

Penny Hartsen - St. Paul, Alberta

Written submission

Jim Luettgen Sherwood Park, Alberta

Supplied information

Alain Briand - Leduc, Alberta

Letter

Donna Detka - Edmonton

Written submission

Cindy Olsen - Edmonton

Written submission and oral presentation

Gail Will - Edmonton

Supplied material

David M. Midanik - Edmonton

Supplied information

Karin Larson - Calgary

Written submission

Oral presentation by Mr. & Mrs. Dan Larson

Marilyn K. Smelski - Calgary

Oral presentation

Peter J. Royal - Edmonton

Supplied material

Mark and La Ree Pickup - Drayton Valley, Alberta

Provided material

Percy Royal - Edmonton

Provided information requested

Sheldon M. Chumir - Calgary

Provided information

Laura M. Foltinek - Calgary

Supplied information and made oral submission

William J. Winship - Edmonton

Provided material

Agnes Cupps - Edmonton

Written submission

Rita L. Wolfe - Saskatoon, Saskatchewan

Written submission

Allan Welsh - Edmonton

Letter

Cassandra Caldwell - Magrath, Alberta

Met with the Board and made written submission

Dave Freeman - Edmonton

Met with Board

Eleanor Case - Edmonton

Met with Board

David K. Byers - Co-ordinator, Arizona Foster Care Review Board, Phoenix, Arizona

Provided material

Chief Justice William A. Holoman - Supreme Court, State of Arizona, Phoenix, Arizona

Provided comments

Dallas C. Thompson - Director, LDS Social Services, Calgary

Written submission

Guri Opstad - Lethbridge, Alberta

Letter

Sandy Anderson - Cochrane, Alberta

Letter

Ray & Hazel Langkopf - Mundare, Alberta

Written submission

Judge H. W. Allen - Judge for the County & District Courts of Ontario, Toronto, Ontario

Sent copy of his report

Christl Bergstrom - Edmonton

Letter and provided material

Len D. Heinemann - Wainwright, Alberta

Written submission

Mrs. Walter Baulk - Sherwood Park

Letter

Lethbridge

Board organized public meeting and heard citizens including Mrs. Helmer of the South Alberta Foster Parent Association and R. E. Landry of Family & Community Support Services of Blairmore and Crowsnest Pass

Medicine Hat

Board advertised public meeting in Medicine Hat - Maria McKenzie appeared

APPENDIX C

LIMITED BIBLIOGRAPHY

The Board of Review received detailed briefs, some of which contained material which the persons submitting the same clearly intended to publish. The Board has also become aware of the vast literature on various aspects of child welfare problems and bibliographies in this regard are readily available to the public and to the Department of Social Services and Community Health.

The following brief list is of works which may not be readily known or readily available and it is for this reason that they are listed.

1. **A Review of Child Welfare Services Delivery Systems Throughout Canada (March, 1983). Prepared by Child Welfare League of America Inc., prepared for the Board.**

2. **Ethics of Behavioural Control in Residential Pediatric Programs. By Benjamin Freedman, Ph. D., then of the Faculties of Medicine and Humanities at the University of Calgary, submitted to the Board of Review.**

3. **The Skills of Helping Individuals and Groups. By Lawrence Shulman, University of British Columbia, Copyright 1979, F. E. Peacock Publishers, Inc.**

4. **Skills of Supervision and Staff Management. By Lawrence Shulman, University of British Columbia, Copyright 1982, F. E. Peacock Publishers, Inc.**

5. **Child Protection in Canada: A Discussion Paper prepared by Corinne Robertshaw, February, 1981 (available through Department of National Health and Welfare, Ottawa).**

6. **Outline of Key Legislative Issues Relating to Child Abuse: Discussion Paper prepared by Corinne Robertshaw, February, 1980 (available through Department of National Health and Welfare, Ottawa).**

7. **State Intervention on Behalf of "Neglected" Children: Standards for Removal of Children From Their Homes, Monitoring the Status of Children in Foster Care and Termination of Parental Rights. By Michael S. Wald, Copyright 1976, Volume 28, Stanford Law Review, p. 625.**

8. **Thinking About Public Policy Toward Abuse and Neglect of Children: A Review for the Best Interests of the Child. By Michael S. Wald, Copyright 1980, Volume 78, Michigan Law Review, p. 645.**

9. **Children's Rights: A Framework for Analysis. By Michael S. Wald, Copyright 1979, Volume 12, U.C.D. Law Review, p. 255, School of Law, University of California, Davis, California.**

10. **Supreme Court, State of Arizona Foster Care Review Board Manual, June, 1981.**

11. Two Hugs for Survival: Strategies for Effective Parenting. By Dr. Harold A. Minden. Copyright 1982, published by McClelland and Stewart.

12. Children at the Centre: Summary Findings and Their Implications. Principal authors: Richard Ruopp, Jeffrey Travers, Frederic Glantz, Craig Coelen with contributions by William L. Bache III, Carol O'Neill, Judith Singer. Editor: Nancy Irwin, prepared for the Day Care Division, Administration for Children Youth and Families Office of Human Development Services, Department of Health Education and Welfare, U.S.A.

13. Foster Care and Adoption in Canada. By H. Philip Hepworth. Copyright 1980, published by the Canadian Council on Social Development, Ottawa.

14. Child Sexual Abuse: Needs, Resources and Planning Project. Prepared by the Calgary Child Sexual Abuse Committee, Calgary Children's Hospital, 1982.

15. Children with Behavior Disorders. Prepared by T. A. Blowers, A. L. Charette, L. Yaniw, D. Mensink, D. Bjornson, J. Davies, P. Little for the Edmonton Public Schools, 1983.

16. Report of the Alberta Children's Law Committee, September 30, 1982.

17. Interprovincial Comparisons - Day Care Facilities: Price Waterhouse Report to the Alberta Government, August, 1980.

18. Interprovincial Comparisons - Day Care Facilities: Price Waterhouse Report to the Alberta Government, October, 1982.

19. Admittance Restricted: The Child a Citizen in Canada. Copyright 1978, Canadian Council on Children and Youth.

20. Helping in Child Protective Services. Copyright 1980, The American Humane Association, Editors Wayne M. Holder and Cynthia Mohr.

21. The Children's Act: A Consultation Paper, issued by the Ministry of Community and Social Services, Province of Ontario, October, 1982.

22. Child at Risk: A Report of the Standing Senate Committee on Health, Welfare and Sciences. Copyright Minister of Supply and Services Canada, 1980.

23. Various reports and background and discussion papers prepared for the Ministry of Community and Social Services, Children's Services Division, Province of Ontario at various times in 1978, 1979, 1980 and 1981 on various aspects of children's services and children's problems.

24. Reports of the Royal Commission on Family and Children's Law, Province of British Columbia: The Honourable Mr. Justice T. R. Berger, His Honour R. D. Collver, Dr. Sydney Segal, Rita T. MacDonald and Mish Vadasz, 1974, 1975 and 1976.

25. The Development of Alberta's Preventative Social Services Program. By Leslie Bella, 1980, Department of Recreational Administration, University of Alberta.

26. Temporary Foster Care: Theoretical Perspectives and Participants' Perceptions. By Kathleen Kufeldt, 1981, a thesis submitted to the Faculty of Graduate Studies, University of Calgary in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

27. Juvenile Detention in Calgary: An Analysis of Decision-Making. By J. S. Ismael, Ph. D., The University of Calgary, Faculty of Social Welfare.